

Arizona Commission on Access to Justice

Meeting Agenda

May 23, 2018 - 10:00 a.m. to 2:00 p.m.

State Courts Building ♦ 1501 West Washington ♦ Conference Room 345 ♦ Phoenix, Arizona

[ACAJ WEBPAGE](#)  

TIME	AGENDA ITEM	PRESENTER
10:00 a.m.	Welcome and Opening Remarks	<i>Judge Lawrence F. Winthrop, Chair</i>
Page 3	Approval of minutes from February 7, 2018 <input type="checkbox"/> <i>Formal Action/Request</i>	
10:05 a.m.	Chairperson's report	<i>Judge Winthrop</i>
Page 11		
10:35 a.m.	Arizona Judiciary Policy Against Employment Discrimination and Harassment	<i>David Withey, AOC Chief Counsel</i>
Page 21		
10:50 a.m.	Overview of Strategic Planning for Next Strategic Agenda	<i>Cindy Trimble, AOC</i>
Page 27		
11:15 a.m.	Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup	<i>Judge Anna Huberman</i>
Page 29		
11:30 a.m.	Legislative Update	<i>Judge Huberman</i>
Page 31	<ul style="list-style-type: none"> • SB1376: Changes the number of days the landlord is required to hold the tenant's personal property from 21 to 14 days. 	
11:35 a.m.	Update on Rule Petitions	<i>Julie Graber, AOC Staff</i>
Page 39	<ul style="list-style-type: none"> • R-18-0020: Subsidized housing pleading requirements and disclosure requirements • R-18-0021: To adopt rules of small claims procedures in justice courts 	

- **R-18-0004:** To allow non-lawyers to represent certain types of small business entities in court

11:40 a.m. **Update on the Public Information and Messaging Workgroup** *Rick DeBruhl*
 Page 47 *Heather Murphy*

11:55 a.m. **Update on the AZCourtHelp.org website** *Dr. Kevin Ruegg*
 Page 49 *Theresa Barrett, AOC*

☞☞ Lunch Break ☞☞

1:00 p.m. **Report from the Judicial and Attorney Engagement** *Dr. Kevin Ruegg*
 Page 53 **Workgroup** *Kevin Groman*

1:20 p.m. **Report from the Inter-Governmental Collaboration** *Judge Winthrop*
 Page 55 **Workgroup** *Chris Groninger*

1:55 p.m. **Good of the Order / Call to the Public** *Judge Winthrop*

Future meeting dates:
September 19, 2018 (may be a virtual meeting)
November 14, 2018

Adjournment

2018 Meeting
September 19, 2018

10:00 a.m. to 2:00 p.m.
 State Courts Building, Phoenix, Arizona
 Conference Room 119

**Arizona Commission on Access to Justice
DRAFT MINUTES**

Wednesday, February 7, 2018

10:00 a.m. to 2:00 p.m.

State Courts Building, 1501 W. Washington Street, Conf. Rm. 119A/B, Phoenix, AZ 85007

Present: Judge Lawrence Winthrop (chair), Judge Janet Barton, Judge Thomas Berning, Pamela Bridge, Judge Maria Elena Cruz, Kevin Groman, Judge Anna Huberman, Judge Joseph C. Kreamer, Maria Morlacci, John Phelps, Helen Purcell, Janet K. Regner, Dr. Kevin Ruegg, Kathy Schaben (*proxy for Judge David Haws*), Valerie Wyant

Telephonic: Kip Anderson, Judge Sean Brearcliffe, Millie Cisneros, Anthony Young

Absent/Excused: Mike Baumstark

Presenters/Guests: Chief Justice Scott Bales, Stacy Butler, Dave Byers, Cathy Clarich, Cathleen Cole, Dana Corbo, Christina Corieri, Chris Groninger, Denise Holliday, Robb Itkin, Don Jacobson, Karen Lash, Heather Murphy, Marcus Reinkensmeyer, Mona Stone

Administrative Office of the Courts (AOC) Staff: Theresa Barrett, Julie Graber, Kathy Sekardi

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the February 7, 2018, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Judge Lawrence F. Winthrop, chair, at 10:06 a.m. Judge Winthrop welcomed members and introduced new members, Kevin Groman, Judge David Haws, and Valerie Wyant. Chief Justice Scott Bales thanked the commission for its efforts.

B. Approval of Minutes

The draft minutes from the November 8, 2017, ACAJ meeting were presented for approval.

Motion: Judge Thomas Berning moved to approve the November 8, 2017, minutes, as presented. **Seconded:** Janet Regner. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop reported on several access to justice topics.

- The 2018 Maricopa Veterans StandDown event took place on January 25 and 26 to connect homeless veterans or those at risk for falling into homelessness with resources and services, including civil legal aid. There were 1,658

veterans served and 46 attorneys handled 266 legal consultations in the areas of family law, bankruptcy and debt, landlord/tenant, and estate planning.

- Several presentations were made by ACAJ members to law firms and other organizations regarding access to justice, the commission's work, and the tax credit, and many future presentations are scheduled.
- The January 2018 Arizona Attorney's cover story was on *pro bono* efforts of Arizona's attorneys and the "Last Word" column was devoted to the commission's work and the tax credit.
- An access to justice program is being planned for the State Bar Convention to be held in June.
- Two proposals for presentations were submitted for the 2018 National Access to Justice Chairs meeting on May 12, 2018: 1) how to build a virtual legal information resource center, and 2) adapting the Legal Aid Interagency Roundtable (LAIR) model to a state government setting.

Judge Winthrop reminded the commission that Arizona is one of several states participating in the Justice in Government Project, which encourages the use of existing funding at the state level to provide civil legal aid services to individuals to remove obstacles to employment, escape domestic violence, and stabilize housing for needy families. At the same time, it helps responsible state agencies fulfill their mission of service.

B. Report on the Justice in Government Project

Guest presenter Karen Lash, Director of the Justice in Government Project at American University, discussed how the goals of the commission are finding interest convergence with the policy priorities of the executive branch, including the Arizona Governor's Office. Ms. Lash reviewed the roadmap for the Justice in Government Project and identified priority populations, such as victims of domestic violence, jobseekers who have criminal records, homeless veterans, and people addicted to opioids. She described the focus of LAIR, as well as the Justice in Government Project, which is based on the idea that all levels of government programs are more effective, efficient, and fair when legal services are included among supportive services. The goals are to determine if the LAIR concept can work at the state level; identify when there is interest convergence between the judicial branch and the executive branch; and find civil legal aid funds from existing federal funding sources. Ms. Lash also noted two guiding principles at the federal government regarding legal aid: there is low public awareness for low-income individuals, and social services providers, regarding legal aid as a solution; and there are economic benefits to investing in legal aid, for example, by reducing illegal evictions and domestic violence.

She provided a short primer regarding federal block grants and discussed which ones could include legal aid for priority populations.

1. Domestic violence. Research has shown that access to legal services can be a critical tool in helping domestic violence victims escape from abusive relationships. Governor Ducey has noted that society has a collective

responsibility to help. The Arizona Domestic Violence Legal Assistance Project is a model state program funded by Temporary Assistance for Needy Families (TANF), a state-administered federal block grant. TANF funds can be used for legal representation and to help resolve personal and family legal problems if costs are consistent with the program's purposes. Another grant is the Victims of Crime Act (VOCA). New rules have expanded the type of legal assistance that VOCA can accept, including human trafficking and identity theft. Some states are using their VOCA allocation increases to fund comprehensive statewide victim legal aid programs. The Services, Training, Officers, and Prosecutors Violence Formula (STOP) Grants also allow legal services and legal advocacy.

2. Jobseekers with criminal records. Evidence suggests that legal interventions such as expungement halt the decline in earnings, even boost earnings, and are key components of an effective employment reentry strategy. In the 2018 State of the State Address, Governor Ducey supported policy for individuals who served their time and paid their debt. Legal aid can help jobseekers applying to set-aside their criminal records, reinstating revoked or suspended driver's licenses, and avoiding garnishment by negotiating child support or outstanding debts. Examples of block grants that support jobseekers' reentry legal needs include the Workforce Innovation and Opportunity Act (WIOA), TANF, Community Development Block Grant (CDBG), Social Services Block Grant (SSBG), and Title II Formula Grants Program.
3. Homeless veterans. Research has shown that five out of the top ten unmet needs for homeless veterans involve legal assistance like eviction foreclosure prevention, child support issues, and outstanding warrants and fines. Arizona's policy directive notes that eliminating homelessness among veterans is within reach. Available block grants to help homeless veterans include CDBG, SSBG, and Community Services Block Grant.
4. People struggling with the opioid epidemic. There is some research that suggests that civil legal aid can positively impact an individual and drive down the costs of healthcare. Governor Ducey has provided policy directive and leadership on the topic. The Substance Abuse Prevention and Treatment Block Grant and the State Targeted Response to Opioid Crisis Grant are helping families that are struggling with opioid addiction to address legal needs.

Member Comments:

- It is essential that the executive branch be an active partner in this project. Governor Ducey and his office have shown a willingness to listen, collaborate, and come up with great ideas.
- Christina Corieri from the Arizona Governor's Office reported on ongoing programs that focus on reentry issues for individuals with criminal records and victims of crime. These initiatives highlight how interests converge

between the judicial and executive branches. She offered the commission an opportunity to talk to key executive branch representatives who are running these programs.

C. Update on Online Dispute Resolution Software

Marcus Reinkensmeyer, AOC Court Services Division Director, updated members on the progress of implementing online dispute resolution (ODR) software, and provided an overview of the ODR model, proof of concept projects with limited duration to scale upward, and the statewide requests for proposals.

Mr. Reinkensmeyer defined ODR as a digital workspace that is neutral, secure, and in the control of the court where parties can convene to work out a resolution to their dispute or case. ODR would be part of the array of online litigant services. He described the ODR functions and the ODR planning considerations for courts, including the types of proceedings, privacy and security, audience, platform, citizen access, getting to resolution, and funding. The funding model is the most difficult consideration, which consists of either imposing a user fee or have the court absorb the costs because of the efficiencies that are realized.

Mr. Reinkensmeyer reported that Matterhorn was selected as the platform through a competitive bid process. There will be three pilot projects that will last 12 to 18 months and include an evaluation component. The AOC will be paying the user fees during this period. The following courts have agreed to be part of pilot projects in the following case types:

- Yuma County Superior Court in family court post-dissolution cases
- Scottsdale Municipal Court in traffic and misdemeanor cases
- Maricopa County Superior Court in family court post-dissolution and civil debt collection cases

He discussed the statewide request for proposals for ODR. The intent would be to make ODR available to all courts because there would be economies of scale and volume discounts. There is also a possible multi-vendor model so the best vendor in a particular case type could be selected. Mr. Reinkensmeyer reviewed the benefits of ODR, such as access, fairness, procedural due process, efficiency, litigant satisfaction, and enforcement. He also reviewed some findings from Michigan:

- Collection rate increased from 51 percent to 91 percent
- Default rate decreased from 37 percent to 2 percent
- 40 percent of transactions occur after business hours
- 37 percent of individuals could not have otherwise come to court and resolve the matter

Judge Winthrop remarked that ODR enhances meaningful access to justice for individuals and results in collateral benefits for the courts.

Member comments:

- Training should be provided to legal aid services before the pilot projects launch so they can refer individuals.
- Judge Barton reported that family law post-decree will use a different process than debt collection because of the need for a mediator.
- Mr. Reinkensmeyer reported that the AOC will pay the front-end costs as well as user and transaction fees during the pilot projects. The intent is for courts to pick up some of the costs because of the cost savings resulting from efficiencies.

D. Report from the Self-Represented Litigants in Limited Jurisdiction Courts (SRL-LJC) Workgroup

Judge Anna Huberman reported that the workgroup is working on developing *Legal Info Videos* for eviction actions to complement the *Legal Info Sheets* that have already been created and posted. The *Legal Info Videos* will be more effective than the *Legal Info Sheets*, but they are more time consuming to develop. The workgroup has drafted eight scripts, which have been storyboarded by staff. Comments are due in a couple of weeks. The storyboards will be translated into Spanish once they are approved by the workgroup. The goal is to launch the videos as a series in both English and Spanish in April. An example video entitled “Your Landlord is Taking you to Court” was presented to the members.

E. New Rule Change Petition

Judge Huberman reported on SRL-LJC’s discussion of a new rule petition (R-18-0020) filed by the State Bar, which would add pleading requirements to the complaint in eviction actions if the rental unit is subsidized housing as well as a disclosure requirement regarding rent apportionment between the tenant and the public housing entity. The workgroup generally supported the rule petition but suggested the commission file a comment with recommended language changes.

Motion: To support R-18-0020 generally and authorize Judge Winthrop, Judge Huberman, and Pam Bridge to draft a comment in support of the rule petition with recommended language changes, as discussed. **Seconded:** Judge Berning. **Vote:** Unanimous with one abstention.

F. Update on Rule Petitions

Julie Graber reported that R-16-0022 regarding change of judge in eviction actions was adopted on a permanent basis, effective January 1, 2018.

G. Update on Public Information and Messaging Workgroup

Heather Murphy reported on the workgroup’s current projects regarding access to justice.

- AOC staff is in the process of redesigning the English and Spanish Self-Service Centers on azcourts.gov in a similar way as AZCourtHelp.org.

- The workgroup is developing a unique podcast series in which a Supreme Court Justice will be a guest host interviewing a subject-matter expert in a conversational tone on a topic. Podcasts will be five to twelve minutes in length and available on AZCourtHelp.org and azcourts.gov.

H. Update on the AZCourtHelp.org website

Dr. Kevin Ruegg reviewed the Google Analytics and reported that there have been 42,419 unique users since the launch. She reviewed the goals for 2018:

- Make forms fillable
- Provide guided interviews for dissolutions, legal decision-making, and parenting time
- Provide a partner portal to local courts that do not have their own website
- Include jury service information

Theresa Barrett discussed the traditional and digital marketing efforts, such as the redesign of the postcard and the creation of business cards.

I. Report regarding Access to Justice in Tucson and in Federal Court

Stacy Butler discussed three access to justice topics in Tucson and in federal court.

1. Step Up to Justice is a civil *pro bono* law center in Tucson, which attempts to bridge the justice gap for low-income clients. Ms. Butler reported that if individuals were represented by counsel, their outcome was three-times more favorable for guardianships, four-times more favorable for women in domestic violence cases, and nineteen-times more favorable for tenants in housing cases. She discussed JusticeServer, which is innovative software connecting low-income individuals to volunteer attorneys by providing effective client triage for direct representation, clinics, and court programs. It allows attorneys to volunteer from their desk and staff to track work in real time in a more efficient manner. In the first year of operation, Step Up to Justice served 1,000 clients and delivered the equivalent of \$1 million in free civil legal services, which represents a 20 percent increase in access to justice in Pima County. Ms. Butler described sustainability and projected growth for Step Up to Justice, whose model delivers significant cost reduction per case from \$215 to \$147.

Member comments:

- Are you eligible for IOLTA funding as a provider of legal services? It has been discussed but Step Up to Justice has not applied yet.
 - What entices an attorney to do *pro bono* work through Step Up to Justice instead of another organization? Step Up to Justice offers a menu of options, whether it is direct representation or a clinic setting.
2. Ms. Butler discussed resources for self-represented litigants in federal court since 2014. Volunteer attorney clinics began in Tucson in 2015 in partnership with Step Up to Justice. Based on the success of these clinics, clinics began in

Phoenix in 2017. Additional resources were developed, including “The Handbook for Self-Represented Litigants,” which takes the self-represented litigant from the start to the finish of the process, and E Pro Se, which is a web-based complaint drafting tool. The website was improved by providing a section entitled “For those Proceeding Without an Attorney.” Resources for chambers staff were added on the intranet on how to deal with incarcerated and non-incarcerated self-represented litigants.

Member comments:

- Is there consideration to create mediation by court staff for self-represented litigant cases? There is no formal system for non-incarcerated self-represented litigants to get into early mediation.
3. Ms. Butler described the access to justice course that she taught at the University of Arizona. The course objectives included being a problem-finder from the point of view of a self-represented litigant, diversifying perspectives beyond the legal community, and building smart solutions while understanding the end-user. She described some of the lessons learned from the projects: online resources are not a fix-all; resources may be hard to find or use; resources may not match the need; you cannot solve a problem you do not understand; importance of obtaining a diversity of perspectives; and solutions do not necessarily take a lot of money and resources.

Member comments:

- The commission was very impressed by this course and recommended that it be taught at every law school. The approach would be a great complement to existing clinical programs.

J. Report from the Judicial and Attorney Engagement Workgroup

Kevin Groman discussed how the In-House Counsel *Pro Bono* Commission has been working on removing barriers for in-house counsel to do *pro bono* and identified the issue of time as the most difficult challenge. Mr. Groman invited in-house counsel to attend the meeting and review the types of initiatives that the commission has been pursuing.

- Appreciation lunch for Association of Corporate Counsel – AZ Chapter, which won the national award for *pro bono* work.
- Commercial court mediation program to help small businesses. All nine cases were settled.
- Library effort working group has held successful programs for small business and people with modest means.

Judge Kreamer reported that the workgroup has been working on drafting a letter to send to law firms asking about their *pro bono* policies and activities. Chief Justice Bales recently approved the letter, which will be sent out shortly. The workgroup will be holding a strategic discussion exploring options based on the responses received.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

John Phelps updated members on the Public Service Center, which will launch in March as a way for consumers to connect with attorneys.

B. Next Meeting Date

Wednesday, May 23, 2018

10:00 a.m. to 2:00 p.m.

State Courts Building, Room 119

1501 W. Washington Street

Phoenix, AZ 85007

Adjourned at 1:59 p.m.



Arizona Depends on Legal Services

DON'T CUT LEGAL SERVICES CORPORATION

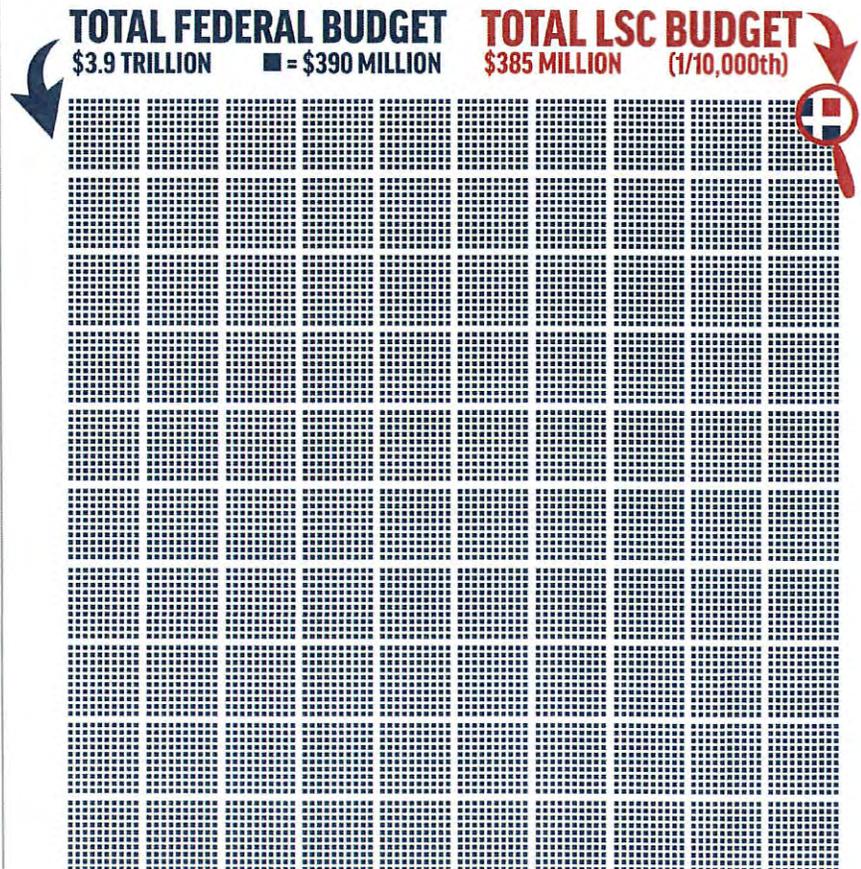
Sen. John McCain (R-AZ)

People in **Arizona**

who can benefit from LSC programs:



*per capita



Chances that a victim of domestic violence will obtain a restraining order:

Without Lawyer



With Lawyer





Arizona Depends on Legal Services

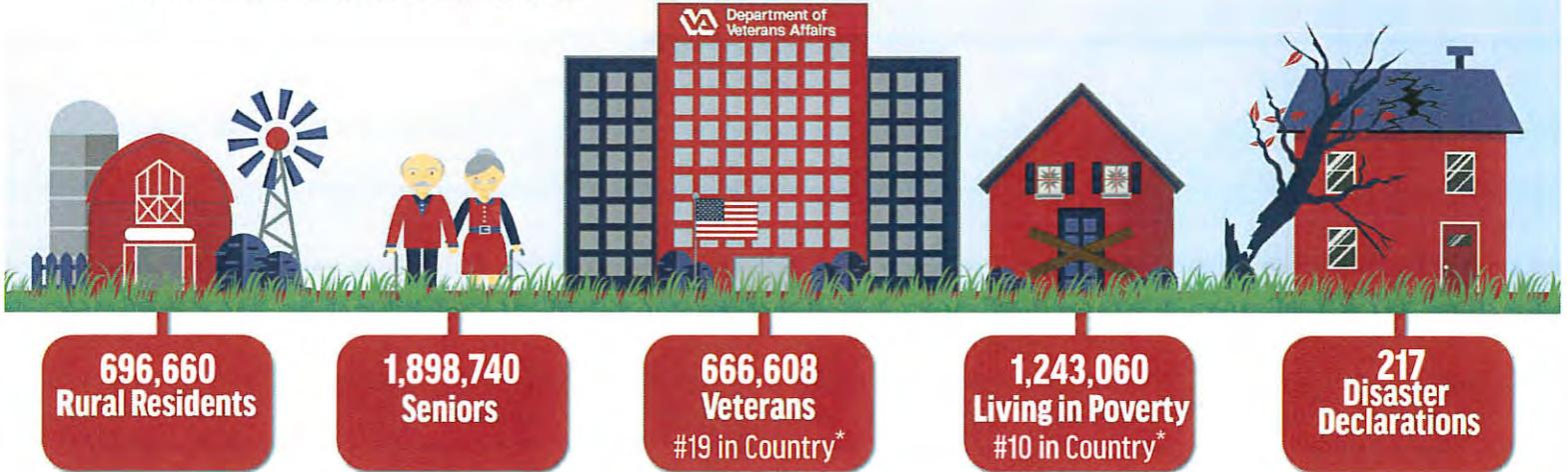
DON'T CUT LEGAL SERVICES CORPORATION

Sen. Jeff Flake (R-AZ)

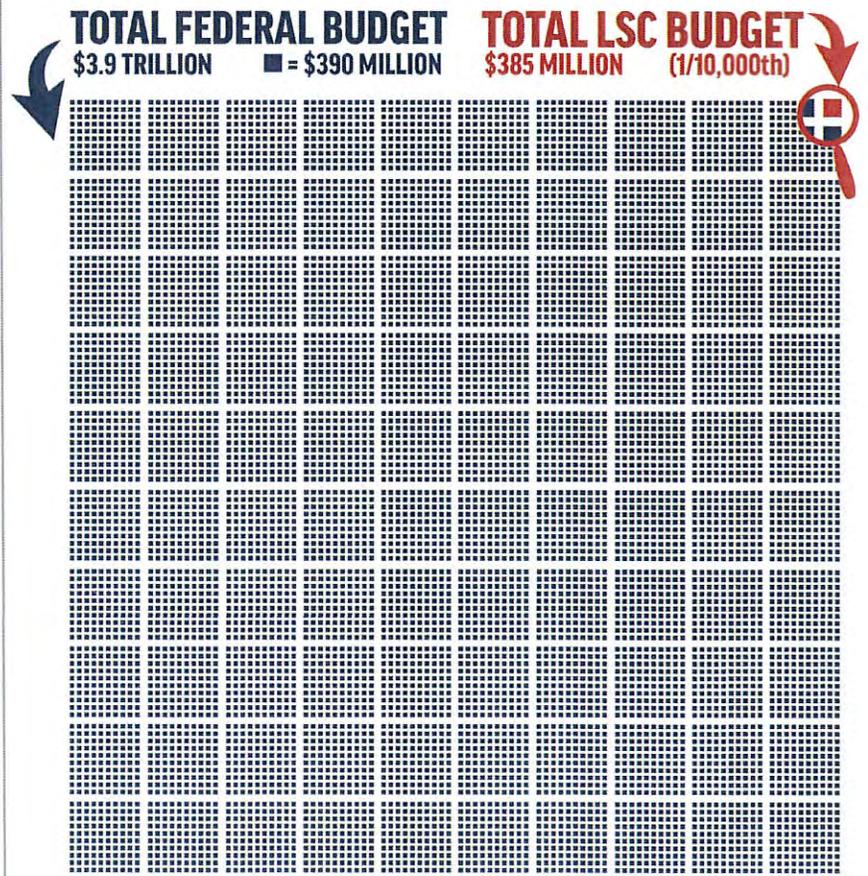
Judiciary Cmte

People in Arizona

who can benefit from LSC programs:



*per capita



Chances that a victim of domestic violence will obtain a restraining order:

Without Lawyer



With Lawyer





Arizona's 1st District Depends on Legal Services

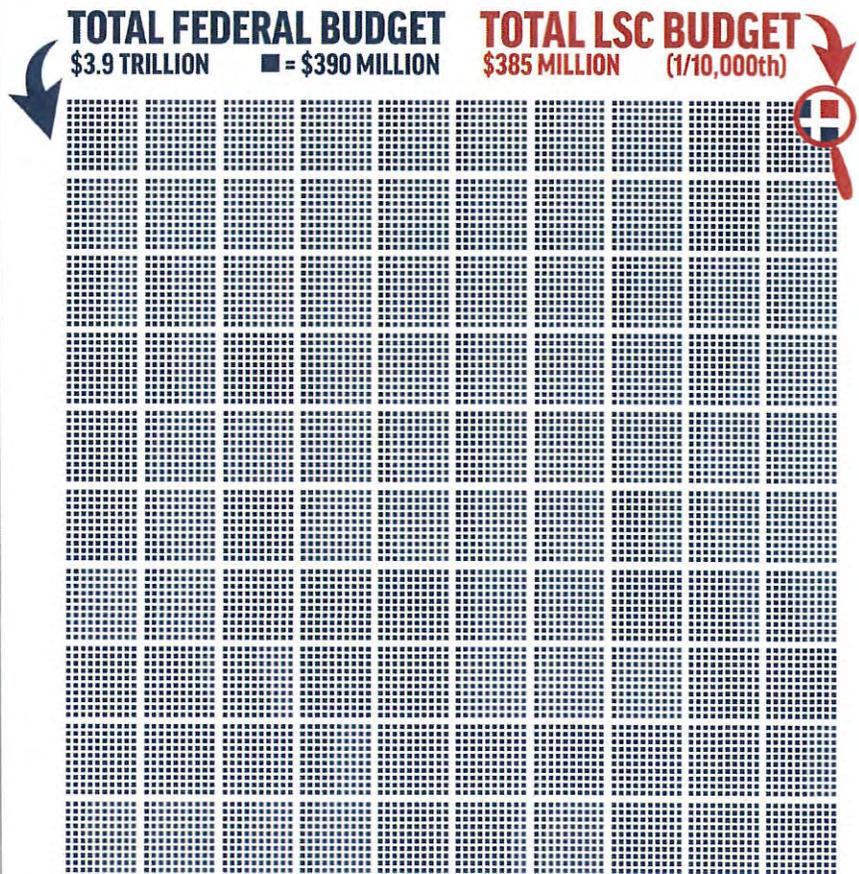
DON'T CUT LEGAL SERVICES CORPORATION

Rep. Tom O'Halleran (D-AZ-01)

People in
Arizona's 1st District
who can benefit from LSC programs:



*per capita



Chances that a victim of domestic violence will obtain a restraining order:

Without Lawyer



With Lawyer



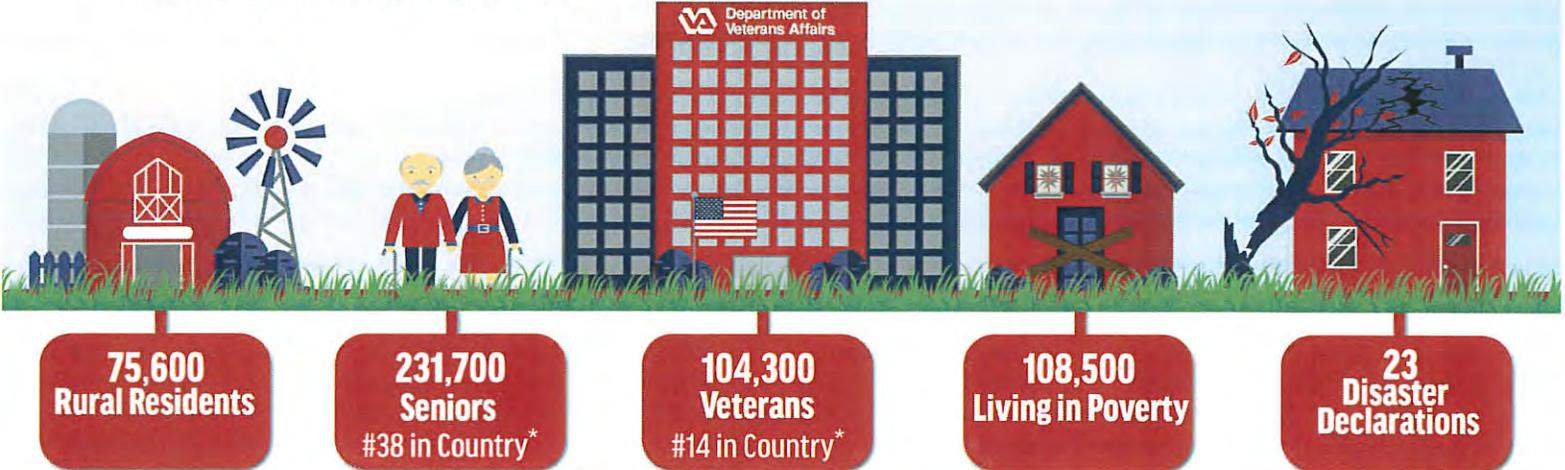


Arizona's 2nd District Depends on Legal Services

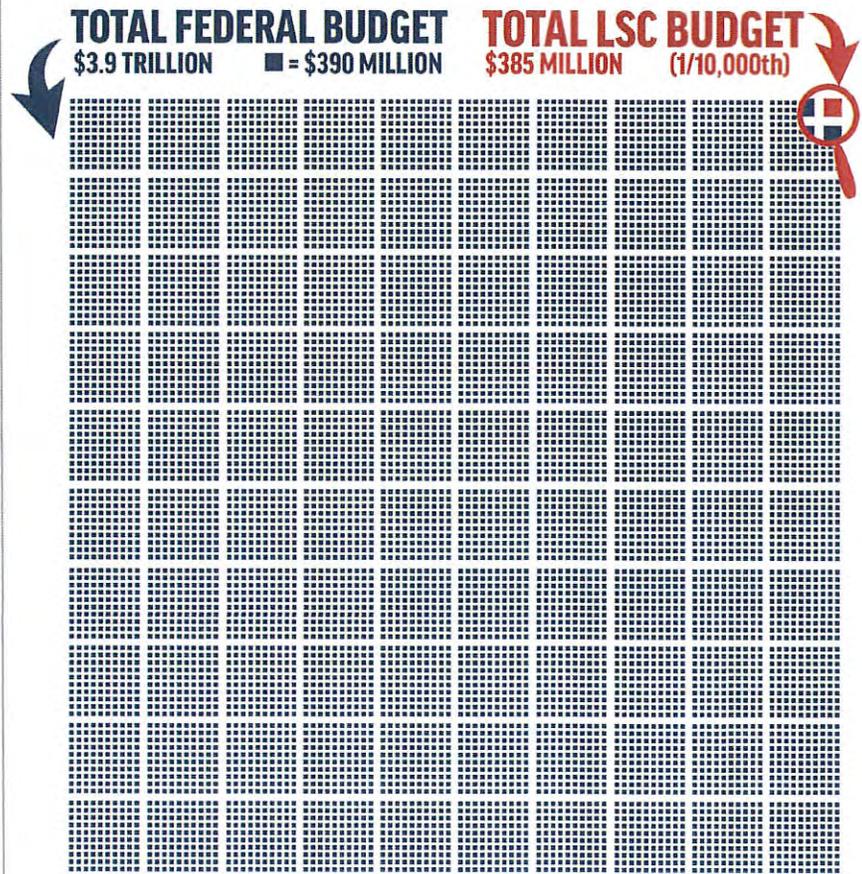
DON'T CUT LEGAL SERVICES CORPORATION

Rep. Martha McSally (R-AZ-02)

People in
Arizona's 2nd District
who can benefit from LSC programs:



*per capita



Chances that a victim of domestic violence will obtain a restraining order:

Without Lawyer



With Lawyer





Arizona's 3rd District Depends on Legal Services

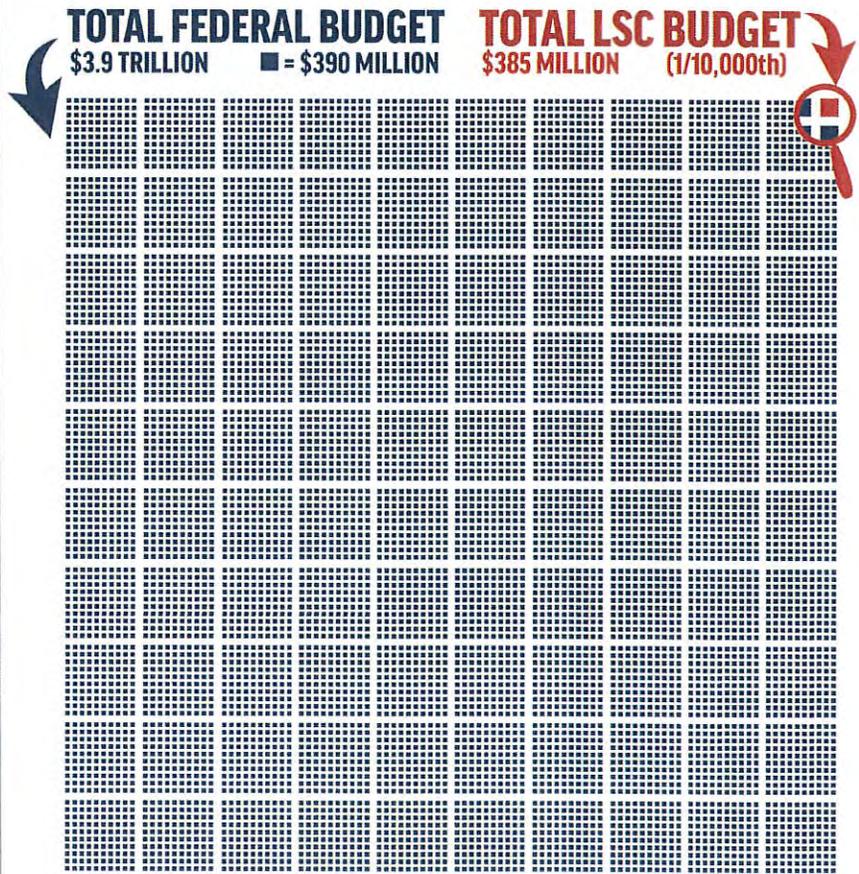
DON'T CUT LEGAL SERVICES CORPORATION

Rep. Raúl M. Grijalva (D-AZ-03)
Education & Workforce Committee

People in
Arizona's 3rd District
who can benefit from LSC programs:



*per capita



Chances that a victim of domestic violence will obtain a restraining order:

Without Lawyer



With Lawyer





Arizona's 4th District Depends on Legal Services

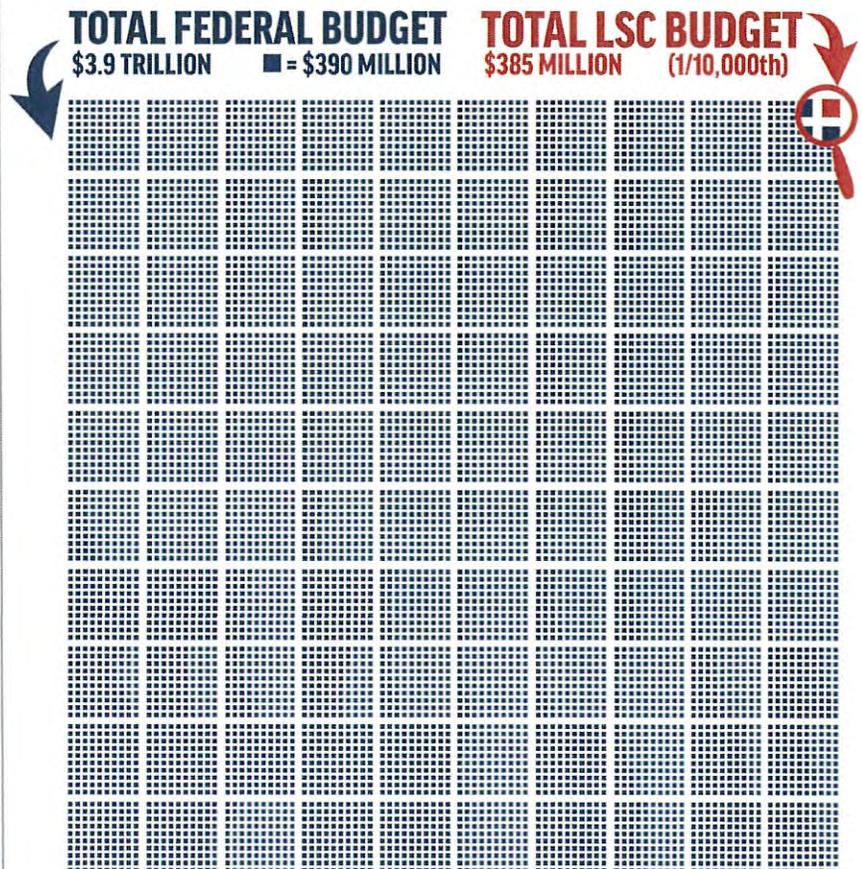
DON'T CUT LEGAL SERVICES CORPORATION

Rep. Paul Gosar (R-AZ-04)

People in
Arizona's 4th District
who can benefit from LSC programs:



*per capita



Chances that a victim of domestic violence will obtain a restraining order:

Without Lawyer



With Lawyer





Arizona's 5th District Depends on Legal Services

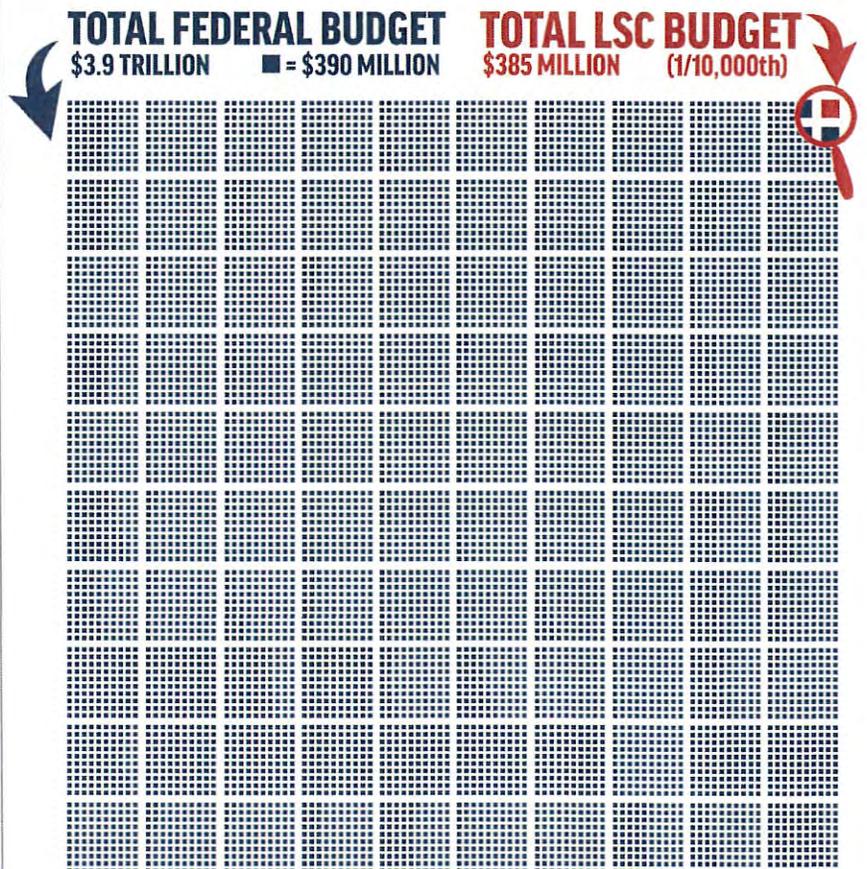
DON'T CUT LEGAL SERVICES CORPORATION

Rep. Andy Biggs (R-AZ-05)
Lawyer, Judiciary Committee

People in
Arizona's 5th District
who can benefit from LSC programs:



*per capita



Chances that a victim of domestic violence will obtain a restraining order:

Without Lawyer



With Lawyer





Arizona's 6th District Depends on Legal Services

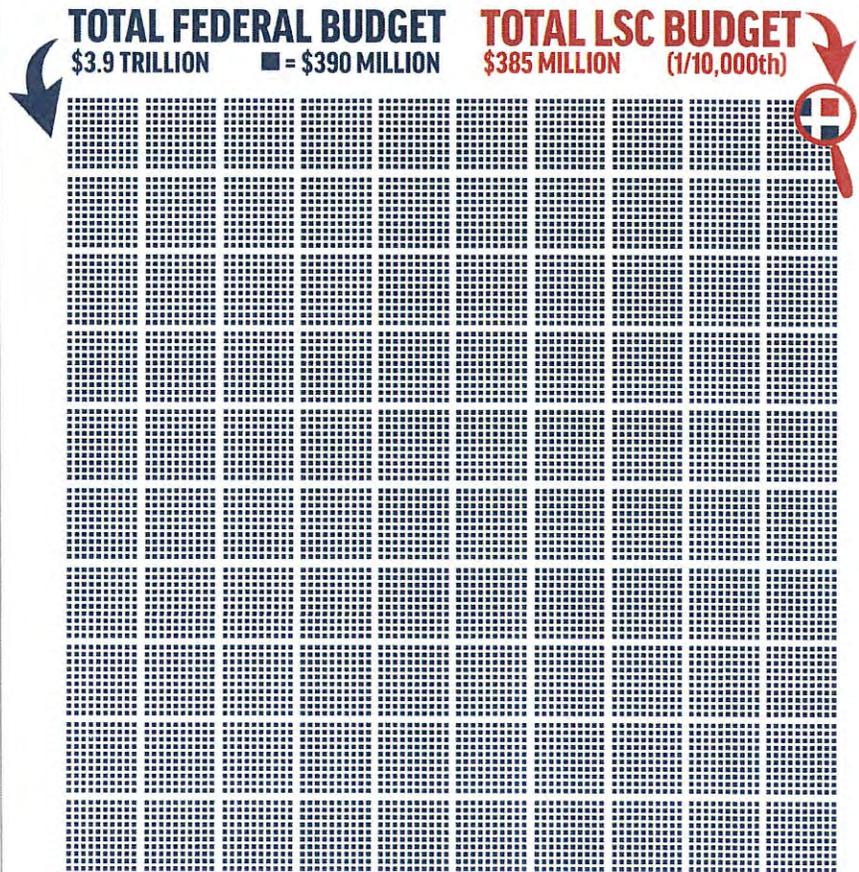
DON'T CUT LEGAL SERVICES CORPORATION

Rep. David Schweikert (R-AZ-06)

People in
Arizona's 6th District
who can benefit from LSC programs:



*per capita



Chances that a victim of domestic violence will obtain a restraining order:

Without Lawyer



With Lawyer





Arizona's 7th District Depends on Legal Services

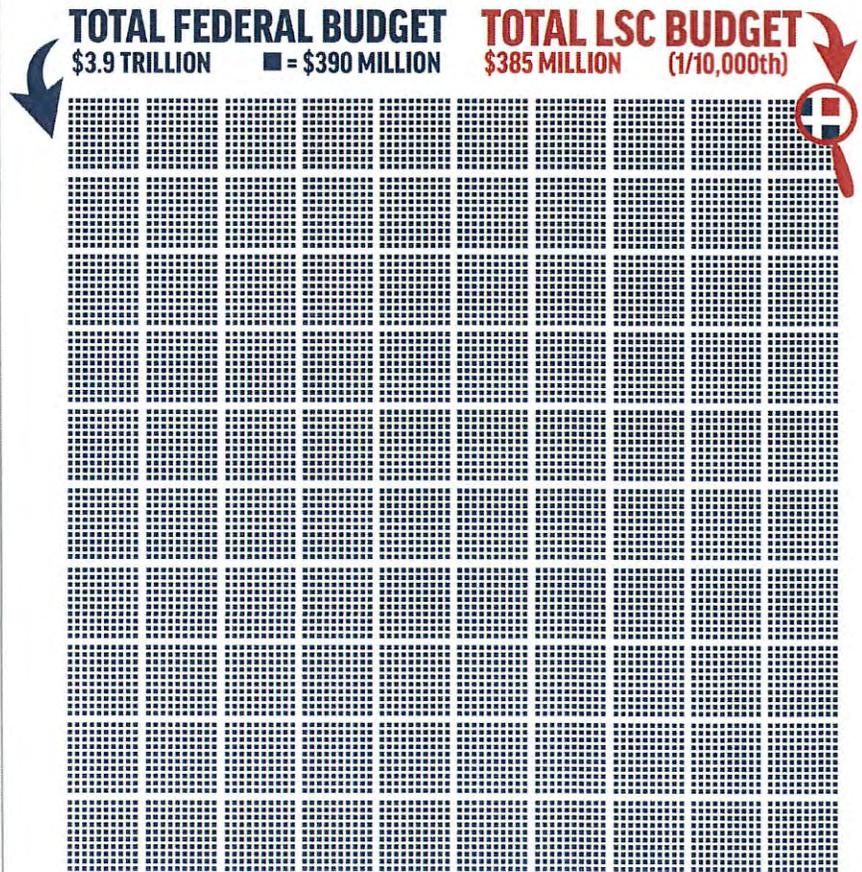
DON'T CUT LEGAL SERVICES CORPORATION

Rep. Ruben Gallego (D-AZ-07)

People in
Arizona's 7th District
who can benefit from LSC programs:



*per capita



Chances that a victim of domestic violence will obtain a restraining order:

Without Lawyer



With Lawyer



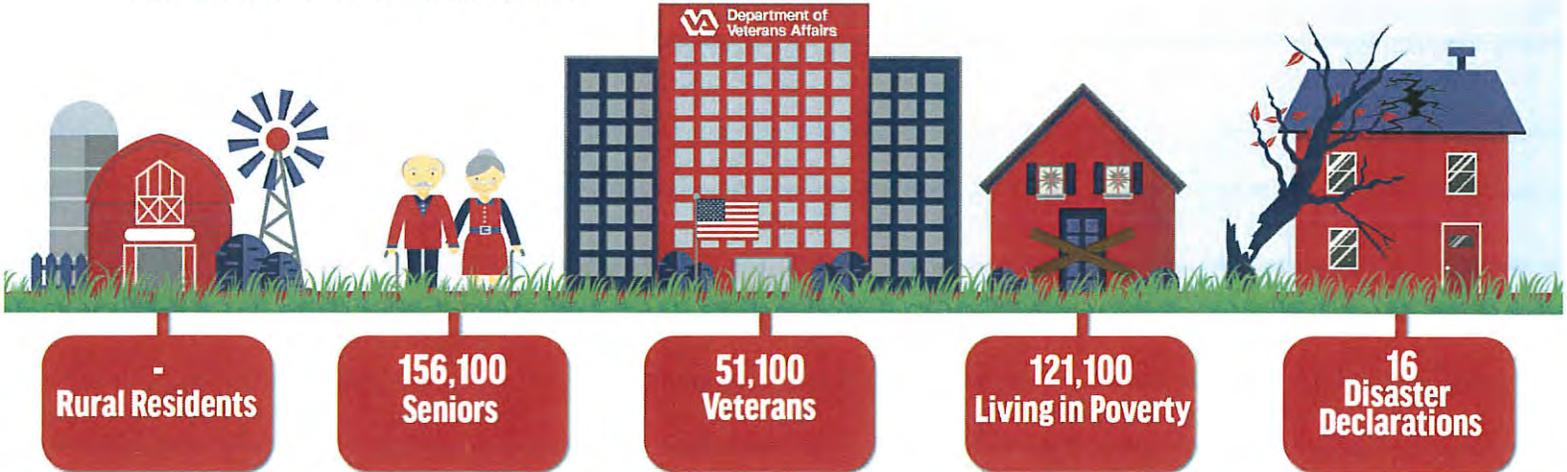


Arizona's 9th District Depends on Legal Services

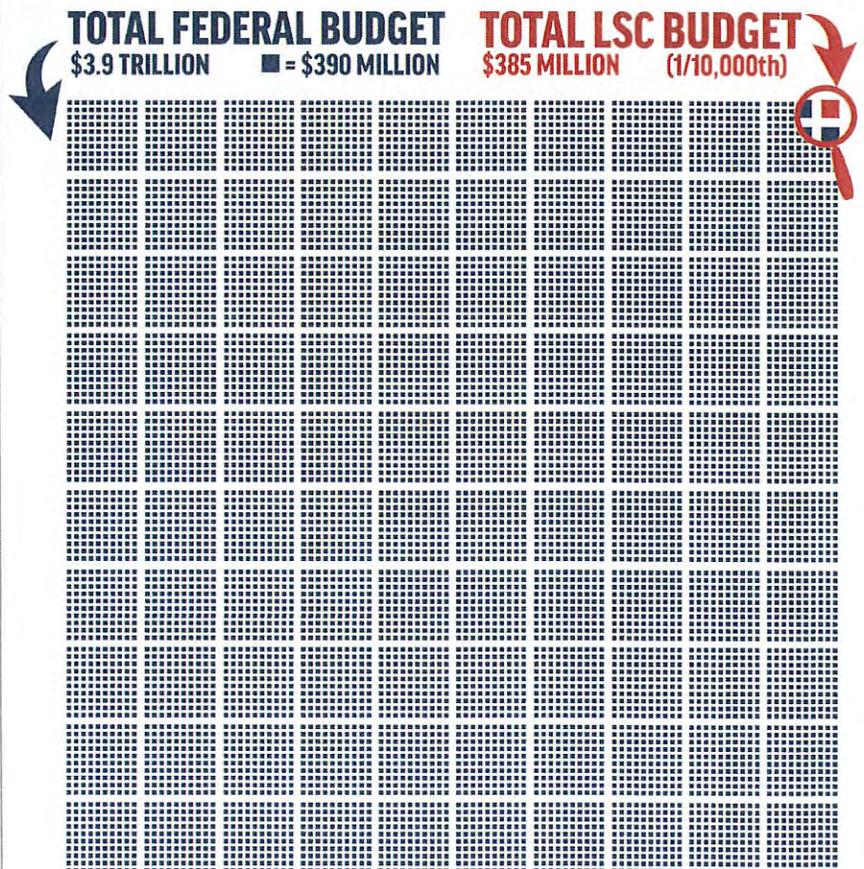
DON'T CUT LEGAL SERVICES CORPORATION

Rep. Kyrsten Sinema (D-AZ-09)
Lawyer

People in
Arizona's 9th District
who can benefit from LSC programs:



*per capita



Chances that a victim of domestic violence will obtain a restraining order:

Without Lawyer



With Lawyer



Arizona Commission on Access to Justice

Meeting Date: May 23, 2018	Type of Action Requested: <input checked="" type="checkbox"/> Formal action or request <input type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Legal Services Corporation Funding (as part of the Chairperson's Report)
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From: Judge Lawrence F. Winthrop

Presenters: (Same)

Discussion: Judge Winthrop will discuss sending a letter to Legal Services Corporation in support of its FY 2019 budget request to Congress.

Recommended motion: To authorize the ACAJ chair to send a letter to Legal Services Corporation in support of its FY 2019 budget request to Congress.



Phone (602) 452-6795

LAWRENCE F. WINTHROP
JUDGE

Court of Appeals

STATE OF ARIZONA
DIVISION ONE
STATE COURTS BUILDING
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007

May 23, 2018

VIA EMAIL (richardsond@lsc.gov)

Mr. David Richardson
Treasurer, Legal Services Corporation
3333 K Street, NW 3rd Floor
Washington, DC 20007-3522

Dear Mr. Richardson:

Every day, hundreds of vulnerable low-income Arizonans must face civil legal challenges involving housing, medical care, employment and denial of critical benefits. Because of their financial status, these individuals cannot afford to hire a lawyer, and instead must seek assistance from our state's legal aid providers, Community Legal Services, Inc. (CLS), DNA – People's Legal Services, Inc. (DNA), and Southern Arizona Legal Aid, Inc. (SALA). Over forty years ago, Congress recognized the importance of insuring adequate funding for civil legal aid services, and created the Legal Service Corporation (LSC) to provide funding to approved legal aid agencies in each state. Unfortunately, Congress has not fulfilled its promise to adequately fund the essential work of LSC and its approved state providers.

On behalf of the 20-member Arizona Commission on Access to Justice, as well as all those who care about unmet civil legal needs, we urge Congress to fully fund LSC at its Fiscal Year 2020 budget request of \$564.8 million.

Geographically, Arizona is the sixth largest state; in terms of population, it ranks 14th nationally. With Federal and State governments owning almost 60% of the land, we are really a state of several urban centers and a lot of fairly remote, rural areas. Additionally, Arizona leads the nation with the largest percentage of tribal lands. These factors combine to create a state where, notwithstanding improved national economic conditions, the poverty rate in Arizona remains persistently higher than other states. Only some individuals facing critical civil issues can afford to hire an attorney. Most cannot.

You already know how under-resourced the 133 LSC-funded providers are. Arizona's legal aid staffs struggle every day to triage requests for help and to allocate limited legal resources. Without question, additional financial resources would allow these offices to have greater geographic reach and to provide services to more clients. Notwithstanding the Congressional

promise of adequate funding, Arizona's LSC providers are diligently working to supplement and diversify their income sources by seeking alternative funding through local appropriations, grants, philanthropic foundations, and private donors. Professional fundraisers are building and implementing the case for increased public and private support at each program. Congressional support and adequate funding for LSC, however, remain critically important, and we urge approval of increased funding in that regard.

Demographics and Service Data for Arizona LSC providers

Community Legal Services, Inc.

\$7.47 million total budget, 80% LSC funds.

5,164 cases closed. The top four categories: 34% housing; 24% family; 17% consumer; 11% income.

76 total staff, 32 attorneys, in six offices.

Service area:

LaPaz County – 20,601 population; \$36,321 median income; 24.8% poverty rate.

Maricopa County – 4,307,033 population; \$55,676 median income; 15% poverty rate.

Mohave County – 207,200 population; \$39,856 median income; 18.3% poverty rate.

Yavapai County – 225,168 population; \$46,638 median income; 13.3% poverty rate.

Yuma County – 207,534 population; \$41,467 median income; 19.3% poverty rate.

DNA – People's Legal Services, Inc.

\$4.2 million total budget, 70% LSC funds.

1,594 cases closed. The top four categories: 51% family; 17% consumer; 8% Misc.; 7% housing.

66 total staff, 30 lawyers, in nine offices (four in Arizona, four in New Mexico, one in Utah).

Service area:

Coconino County, Apache County A (the Navajo and Hopi reservation areas of that county), Navajo County A (the Navajo and Hopi Reservation areas of the county), San Juan County, Native Americans living on or near the Navajo Reservation in Arizona, New Mexico, and Utah, and the Hopi Reservation in Arizona, and members living off reservation who have cases which require litigation in tribal court, Native Americans living on or near the Jicarilla Indian Reservation.

Apache County (totals for entire county) – 71,606 population; \$32,460 median income; 33.2% poverty rate.

Coconino County – 140,776 population; \$51,106 median income; 17.8% poverty rate.

Jicarilla Indian Reservation – 2,743 population; \$26,818 median income; 29.5% poverty rate.

Navajo County (totals for entire county) – 108,956 population; \$36,868 median income; 28.2% poverty rate.

San Juan County – 115,079 population; \$48,624 median income; 17.4% poverty rate.

Southern Arizona Legal Aid, Inc.

\$4.93 million total budget, 54% LSC funds.

5,433 cases closed. The top four categories: 44% family; 20% housing; 14% consumer; 6% juvenile.

62 total staff, 25 lawyers, in five LSC-funded offices and one office funded by the Gila River Indian Community.

Service area:

Apache County B (all of Apache County, except the Navajo and Hopi Reservations), Cochise County, Gila County, Graham County, Greenlee County, Navajo County B (all of Navajo County except the Navajo and Hopi Reservations), Pima County, Pinal County, Santa Cruz County, Native Americans living in Gila and Graham counties who are members of the San Carlos Apache Indian Reservations and tribal members living off reservation who have cases which require litigation in tribal court; Native Americans living off reservation in Maricopa County; Native Americans living on or near the Tohono O'odham Reservation in Pima, Pinal, and Maricopa counties and Tohono O'odham tribal members living off reservation who have cases which require litigation in tribal court; and Native Americans living in (1) Fort Apache Indian Reservation which covers portions of Gila, Apache, and Navajo counties, (2) Gila River Indian Community in Pinal and Maricopa counties, Ak-Chin Indian Community in Pinal County, Cocopah Indian Community and Ft. Yuma Indian Community in Yuma County, (3) Salt River Pima-Maricopa Indian Community and Ft. McDowell Mohave-Apache Tribe in Maricopa County, (4) Camp Verde Yavapai-Apache Indian Community in Yavapai County, (5) Pascua Yaqui Indian Community in Pima County, and tribal members living off reservations who have cases which require litigation in tribal court.

Apache County – Apache County (totals for entire county) – 71,606 population; \$32,460 median income; 33.2% poverty rate. Cochise County – 124,756 population; \$45,383 median income; 21.1% poverty rate.

Gila County – 54,556 population; \$40,593 median income; 20.3% poverty rate.

Graham County – 37,466 population; \$47,422 median income; 22.9% poverty rate.

Greenlee County – 9,455 population; \$51,813 median income; 12% poverty rate.

Navajo County – please see under DNA Peoples Legal Services, Inc.

Pima County – 1,022,769 population; \$46,764 median income; 18.2% poverty rate.

Pinal County – 430,237 population; \$51,190 median income; 15.4% poverty rate.

Santa Cruz County – 46,212 population; \$38,941 median income; 20.9% poverty rate.

Examples of Innovative Use of Federal Funds by LSC attorneys

Through Low-Income Tax Credit (LITC) grant funding, CLS provides assistance to individuals facing tax debts through direct assistance, education, and outreach. After losing their home to foreclosure and becoming homeless, a couple faced a tax lien of nearly \$90,000 that prevented them from collecting \$4,000 from a settlement. The wife was facing a critical cancer diagnosis and unable to work and the husband, whose work was project-based, had been laid off. After lengthy negotiations, a CLS attorney was able to settle with the IRS for \$500 and the IRS lifted the lien allowing the couple to receive the \$4,000; they found stable housing, she was able to focus on her health, and re-build their lives. In 2017, more than 500 household members were educated about their rights.

Four Corners Legal Care, an innovative medical-legal partnership program at DNA – People's Legal Services, Inc., is the flagship model of integrating legal advocacy and healthcare in Indian Country. The standard models of healthcare delivery for American Indians and Alaska Natives communities are failing, in part because Indian Health Services and tribal health centers are not equipped to respond to the tremendous social and legal barriers that keep patients from leading healthy lives. Poverty forces compromises, like choosing between purchasing healthy foods and putting gas in a vehicle to be able to travel to work. Rural Arizonans are isolated from

healthcare, employment opportunities, and social services support. Four Corners Legal Care places attorneys in health centers, broadening the array of treatment tools available to health providers and improves the well-being of patients. An attorney onsite at a healthcare facility ensures timely legal assistance to individual patients, and harness the expertise of health and legal providers to combat systemic practices that burden health.

Outside of Pima and Maricopa counties, engaging pro bono attorneys is challenging. The private bars are small -- there are no firms with more than three to five members -- and the majority of attorneys in rural counties are employed by government agencies. In Greenlee County, for example, there are four attorneys – the Superior Court judge and three lawyers who work for the County Attorney’s office.

To address this challenge, SALA received an LSC Technology Innovation Grant to implement web conferencing to pair urban Pima County volunteer attorneys with clients in Southern Arizona’s rural areas. A traveling attorney, as well as a paralegal, were successfully funded through a Victims of Crime Act (VOCA) grant to serve three rural counties where there are no SALA offices. The attorney spends one day a month in four separate communities. Private meeting space is provided at no charge by the superior courts. SALA has five full-time employees – two attorneys, a tribal court advocate, crime victim services coordinator, and paralegal – whose employment was made possible by VOCA grant funding.

We are your partner in the fight for access to justice for all. We are hopeful increased funding will help everyone who is working to change lives one case at a time.

Warm Regards,

Lawrence F. Winthrop
Chair, Arizona Commission on Access to Justice

Arizona Commission on Access to Justice

Meeting Date: May 23, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Arizona Judiciary Policy Against Employment Discrimination and Harassment
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From: David Withey, AOC Chief Counsel

Presenters: (Same)

Discussion: A judicial branch policy on sexual harassment in the workplace was first issued by administrative order of the chief justice in 1992 to provide a consistent policy statement for all of the courts in the state and direction regarding the contents of local court policies. The proposed judicial branch policy on discrimination and harassment updates this 1992 policy to extend to all types of harassment in the workplace with specific attention to sexual harassment as currently recommended by the EEOC. If adopted it will reemphasize the judicial branch policy against discrimination and harassment and require each local court to review its policy on this subject to ensure compliance.

Recommended motion: None.

CODE OF CONDUCT FOR JUDICIAL EMPLOYEES

RULE 2.3 Bias, Prejudice, and Harassment

A judicial employee shall perform court duties without bias or prejudice and shall not manifest bias or prejudice by words or conduct, or engage in harassment in the performance of court duties. This includes but is not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.

Comment

1. A judicial employee who manifests bias or prejudice in the conduct of court business impairs the fairness of the judicial process and brings the judiciary into disrepute.
2. Examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. Facial expressions and body language and other forms of nonverbal communication may convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judicial employee must avoid conduct that may reasonably be perceived as prejudiced or biased.
3. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socio-economic status, or political affiliation.
4. Sexual harassment includes but is not limited to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is unwelcome. See Arizona Supreme Court, Administrative Order 92-33 (Oct. 19, 1992), for the judiciary's sexual harassment policy.

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 3: Judicial Officers and Employees
Section 1-304: Discrimination and Harassment

[Draft April 2018]

- A. Policy.** It is the policy of the Arizona Judicial Branch that discrimination and harassment, including sexual harassment, in the workplace is prohibited. Employment discrimination and harassment based on sex, race, color, religion, national origin, age, or disability is forbidden. Accordingly, harassment by judicial branch employees shall be grounds for disciplinary action, up to and including dismissal. Harassment by judges is grounds for action under the rules of the Commission on Judicial Conduct. Harassment by vendor employees shall be grounds for termination of vendor contracts.

It is the responsibility of every judge and court employee to strive to create a work environment free of harassment and discrimination. As required by the Code of Judicial Conduct and the Code of Conduct for Judicial Employees, all judges and court employees are expected to avoid bias, prejudice and harassment in the performance of their duties, to treat other court employees, court users, and the public with dignity and respect, and to comply with this policy.

Sexual harassment is sex discrimination which violates individual rights and state and federal law. Sexual harassment is also a form of misconduct which undermines the integrity of the employment relationship and of the court itself. All judges and court employees must be able to work in an environment that is free from unsolicited and unwelcome sexual overtures and innuendo. Sexual harassment debilitates morale and interferes with productivity. Therefore, sexual harassment is unacceptable conduct in the workplace.

- B. Definitions.** In this section, the following definitions apply:

“Discrimination” is differing treatment of an individual, involving any term or condition of employment, based on that individual's race, color, religion, national origin, sex, age, or disability. Discrimination based on these protected classes is prohibited by state and federal law. Courts have held discrimination against an individual because of sexual orientation or because of gender identity, including transgender status, is discrimination because of sex in violation of Title VII.

“Harassment” is verbal or physical conduct that is directed at an individual because of his or her race, color, religion, national origin, sex, age, or disability and that is sufficiently severe, pervasive, or persistent to have the purpose or effect of creating a hostile environment. Courts have held harassment of an individual because of sexual orientation or because of gender identity, including transgender status, is harassment because of sex in violation of Title VII.

“Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature when:

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“Harassment” is verbal or physical conduct or any form of communication that is directed at an individual because of his or her race, color, religion, national origin, sex, age, or disability and that is sufficiently severe, pervasive, or persistent to have the purpose or effect of creating a hostile environment. Courts have held harassment of an individual because of sexual orientation or because of gender identity, including transgender status, is harassment because of sex in violation of Title VII.

“Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, other verbal or physical conduct or any other form of communication of a sexual nature when:

1. Submission to that conduct or communication is made an explicit or implicit term or condition of obtaining or continuing employment.
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in employment decisions affecting the individual.
3. The conduct or communication has the purpose or effect of substantially interfering with an individual's employment or of creating an intimidating, hostile, or offensive environment.

Sexual harassment may involve relationships of unequal power. Such situations might contain elements of coercion, such as when compliance with requests for sexual favors becomes a criterion for granting or denying privileges or for favorable or unfavorable treatment on the job; however, sexual harassment also might involve relationships among peers, such as when repeated unwelcome advances or unwelcome sexual comments by one co-worker toward another co-worker has a harmful effect on the latter's ability to perform his or her job. Sexual harassment also might involve employee behavior directed at non-employees or non-employee behavior directed at employees. Sexual harassment may occur when it is directed at members of the opposite gender or when it is directed at members of the same gender.

“Workplace” is any location where a judge or an employee is present due to court employment; including locations outside the courthouse or court office, travel to and from those locations, and court sponsored events.

“Retaliation” is an adverse action (e.g., termination, denial of promotion, refusal to hire, unjustified discipline or evaluation, etc.) taken against an individual to deter protected activity or for engaging in protected activity. Protected activity consists of: (1) opposing conduct reasonably believed to constitute discrimination, including harassment, which violates a nondiscrimination statute, this code section, or court policy; (2) reporting such conduct; or (3) testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination complaint.

C. Duty to Report. Employees, applicants, and other persons discriminated against or harassed or who have personal knowledge of discrimination or harassment by judges or judicial branch employees in the course of their duties or by anyone in court facilities are responsible for promptly reporting such conduct in accordance with the procedures applicable to each court. Each employee has an affirmative duty to maintain a workplace free of discrimination, harassment, and intimidation. Any form of retaliation against an individual for reporting discrimination or harassment truthfully to the best of that person’s knowledge is prohibited and shall be grounds for disciplinary action, which may include termination. A false and malicious report of harassment, discrimination or retaliation (as opposed to a report that, even if erroneous, is made in good faith) will be the subject of appropriate disciplinary action.

D. Implementation. Judges and court administrators responsible for the administration of each court shall implement this policy individually or in conjunction with other courts or other governmental entities in the same county or jurisdiction by adopting policies and procedures that are approved by the presiding judge of the county and contain, at a minimum, the following elements:

1. Effective dissemination of this policy and local procedures to every employee by such means as posting in areas highly visible to employees, publication on the court website, and inclusion in employee orientation materials and education materials on this subject.
2. An explanation of the prohibited conduct, including all forms of unlawful harassment, including race, color, gender (both sexual and non-sexual), age, national origin, disability, and religion.
3. A reporting system, available to persons who might experience discrimination or harassment and those who might observe discrimination or harassment, that provides multiple avenues to report in an easily accessible manner.
4. Referral to the Commission on Judicial Conduct for investigation of alleged misconduct of a judge.
5. Clear reporting and investigation procedures.
6. A prompt, thorough, and impartial investigation of employees conducted by a trained investigator.
7. A statement that any information gathered as part of an investigation will be kept confidential to the extent possible consistent with thorough and impartial investigative and disciplinary processes.
8. Assurance of immediate and appropriate corrective action and that the reporting and investigated employees will be informed of the investigation result.
9. Assurance that a reporting or witnessing employee will be protected from retaliation.

E. Education. The Administrative Office of the Courts through its Education Services Division shall provide educational opportunities for judges and judicial branch employees regarding this policy statement. Presiding judges of each county shall ensure additional educational opportunities are offered for judges and judicial branch employees within their county regarding this policy and local policies and procedures. Judges, managers, and supervisors must receive education regarding their role and responsibility to identify discrimination and harassment and to take appropriate action pursuant to this policy and local procedures.

1. Submission to that conduct or communication is made an explicit or implicit term or condition of obtaining or continuing employment.
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in employment decisions affecting the individual.
3. The conduct or communication has the purpose or effect of substantially interfering with an individual's employment or of creating an intimidating, hostile, or offensive environment.

Sexual harassment may involve relationships of unequal power. Such situations might contain elements of coercion, such as when compliance with requests for sexual favors becomes a criterion for granting or denying privileges or for favorable or unfavorable treatment on the job; however, sexual harassment also might involve relations among peers, such as when repeated unwelcome advances or unwelcome sexual comments by one co-worker toward another co-worker has a harmful effect on the latter's ability to perform his or her job. Sexual harassment also might involve employee behavior directed at non-employees or non-employee behavior directed at employees. Sexual harassment may occur when it is directed at members of the opposite gender or when it is directed at members of the same gender.

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C. Duty to Report. Employees, applicants, and other persons discriminated against or harassed or who have personal knowledge of discrimination or harassment by judges or judicial branch employees in the course of their duties or by anyone in court facilities are responsible for promptly reporting such conduct in accordance with the procedures applicable to each court. Each employee has an affirmative duty to maintain a workplace free of discrimination, harassment, and intimidation. Any form of retaliation against an individual for reporting discrimination or harassment truthfully to the best of that person’s knowledge is prohibited and shall be grounds for disciplinary action, which may include termination. A false and malicious report of harassment, discrimination or retaliation (as opposed to a report that, even if erroneous, is made in good faith) will be the subject of appropriate disciplinary action.

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3. A reporting system, available to persons who might experience discrimination or harassment and those who might observe discrimination or harassment, that provides multiple avenues to report in an easily accessible manner.
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5. Clear reporting and investigation procedures.
6. A prompt, thorough, and impartial investigation of employees conducted by a trained investigator.
7. A statement that any information gathered as part of an investigation will be kept confidential to the extent possible consistent with thorough and impartial investigative and disciplinary processes.
8. Assurance of immediate and appropriate corrective action and that the reporting and investigated employees will be informed of the investigation result.
9. Assurance that a reporting or witnessing employee will be protected from retaliation.

E. Education. The Administrative Office of the Courts through its Education Services Division shall provide educational opportunities for judges and judicial branch employees regarding this policy statement. Presiding judges of each county shall ensure additional educational opportunities are offered for judges and judicial branch employees within their county regarding this policy and local policies and procedures. Judges, managers, and supervisors must receive education regarding their role and responsibility to identify discrimination and harassment and to take appropriate action pursuant to this policy and local procedures.

Arizona Commission on Access to Justice

Meeting Date: May 23, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Overview of Strategic Planning for Next Strategic Agenda
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From: Cindy Trimble, AOC Executive Office

Presenters: (Same)

Discussion: Ms. Trimble will discuss the timeframes for strategic planning and obtain feedback on any items the commission would like to include in the next strategic agenda.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: May 23, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup
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From: Judge Anna Huberman, Chair

Presenters: (Same)

Discussion: The workgroup met on March 15, 2018. The presenter will discuss strategic planning focus:

- The workgroup is focusing on developing eviction-related videos that will be available on azcourts.gov and AZCourtHelp.org.
- Eight storyboards have been finalized and staff is working on developing the videos using Vyond, formerly known as GoAnimate.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: May 23, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Legislative Update
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From: Judge Anna Huberman

Presenters: (Same)

Discussion: Judge Huberman will discuss SB1376, which was signed by Governor Ducey on April 3, 2018, and changes the number of days the landlord is required to hold the tenant's personal property from 21 to 14 days.

Recommended motion: None.

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 127
SENATE BILL 1376

AN ACT

AMENDING SECTIONS 33-1368 AND 33-1370, ARIZONA REVISED STATUTES; RELATING
TO THE ARIZONA RESIDENTIAL LANDLORD AND TENANT ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1368, Arizona Revised Statutes, is amended to
3 read:

4 33-1368. Noncompliance with rental agreement by tenant;
5 failure to pay rent; utility discontinuation;
6 liability for quests; definition

7 A. Except as provided in this chapter, if there is a material
8 noncompliance by the tenant with the rental agreement, including material
9 falsification of the information provided on the rental application, the
10 landlord may deliver a written notice to the tenant specifying the acts
11 and omissions constituting the breach and that the rental agreement will
12 terminate ~~upon~~ ON a date not less than ten days after receipt of the
13 notice if the breach is not remedied in ten days. For the purposes of
14 this section, material falsification ~~shall include~~ INCLUDES the following
15 untrue or misleading information about the:

16 1. Number of occupants in the dwelling unit, pets, income of THE
17 prospective tenant, social security number and current employment listed
18 on the application or lease agreement.

19 2. Tenant's criminal records, prior eviction record and current
20 criminal activity. Material falsification of information in this
21 paragraph is not curable under this section.

22 If there is a noncompliance by the tenant with section 33-1341 materially
23 affecting health and safety, the landlord may deliver a written notice to
24 the tenant specifying the acts and omissions constituting the breach and
25 that the rental agreement will terminate ~~upon~~ ON a date not less than five
26 days after receipt of the notice if the breach is not remedied in five
27 days. However, if the breach is remediable by repair or the payment of
28 damages or otherwise, and the tenant adequately remedies the breach before
29 the date specified in the notice, the rental agreement will not terminate.
30 If there is an additional act of these types of noncompliance of the same
31 or a similar nature during the term of the lease after the previous remedy
32 of noncompliance, the landlord may institute a special detainer action
33 pursuant to section 33-1377 ten days after delivery of a written notice
34 advising the tenant that a second noncompliance of the same or a similar
35 nature has occurred. If there is a breach that is both material and
36 irreparable and that occurs on the premises, ~~including but not limited to~~
37 WHICH MAY INCLUDE an illegal discharge of a weapon, homicide as ~~defined~~
38 PRESCRIBED in sections 13-1102, ~~through~~ 13-1103, 13-1104 AND 13-1105,
39 prostitution as defined in section 13-3211, criminal street gang activity
40 as prescribed in section 13-105, activity as prohibited in section
41 13-2308, the unlawful manufacturing, selling, transferring, possessing,
42 using or storing of a controlled substance as defined in section 13-3451,
43 threatening or intimidating as prohibited in section 13-1202, assault as
44 prohibited in section 13-1203, acts that have been found to constitute a
45 nuisance pursuant to section 12-991 or a breach of the lease agreement

1 that otherwise jeopardizes the health, safety and welfare of the landlord,
2 the landlord's agent or another tenant or involving imminent or actual
3 serious property damage, the landlord may deliver a written notice for
4 immediate termination of the rental agreement and shall proceed under
5 section 33-1377. THE FOREGOING LIST OF ACTIONS WHICH MAY CONSTITUTE A
6 MATERIAL AND IRREPARABLE BREACH OF A TENANT'S LEASE IS NOT EXHAUSTIVE.

7 B. A tenant may not withhold rent for any reason not authorized by
8 this chapter. If rent is unpaid when due and the tenant fails to pay rent
9 within five days after written notice by the landlord of nonpayment and
10 the landlord's intention to terminate the rental agreement if the rent is
11 not paid within that period of time, the landlord may terminate the rental
12 agreement by filing a special detainer action pursuant to section 33-1377.
13 Before the filing of a special detainer action the rental agreement shall
14 be reinstated if the tenant tenders all past due and unpaid periodic rent
15 and a reasonable late fee set forth in a written rental agreement. After
16 a special detainer action is filed the rental agreement is reinstated only
17 if the tenant pays all past due rent, reasonable late fees set forth in a
18 written rental agreement, attorney fees and court costs. After a judgment
19 has been entered in a special detainer action in favor of the landlord,
20 any reinstatement of the rental agreement is solely in the discretion of
21 the landlord.

22 C. The landlord may recover all reasonable damages, resulting from
23 noncompliance by the tenant with the rental agreement or section 33-1341
24 or occupancy of the dwelling unit, court costs, reasonable attorney fees
25 and all quantifiable damage caused by the tenant to the premises.

26 D. The landlord may discontinue utility services provided by the
27 landlord on the day following the day that a writ of restitution or
28 execution is executed pursuant to section 12-1181. Disconnections shall
29 be performed only by a person authorized by the utility whose service is
30 being discontinued. ~~Nothing in~~ This section ~~shall~~ DOES NOT supersede
31 standard tariff and operational procedures that apply to any public
32 service corporation, municipal corporation or special districts providing
33 utility services in this state.

34 ~~E. The landlord shall hold the tenant's personal property for a~~
35 ~~period of twenty-one days beginning on the first day after a writ of~~
36 ~~restitution or writ of execution is executed as prescribed in section~~
37 ~~12-1181. The landlord shall use reasonable care in moving and holding the~~
38 ~~tenant's property and may store the tenant's property in an unoccupied~~
39 ~~dwelling unit owned by the landlord, the unoccupied dwelling unit formerly~~
40 ~~occupied by the tenant or off the premises if an unoccupied dwelling unit~~
41 ~~is not available. If the tenant's former dwelling unit is used to store~~
42 ~~the property, the landlord may change the locks on that unit at the~~
43 ~~landlord's discretion. The landlord shall prepare an inventory and~~
44 ~~promptly notify the tenant of the location and cost of storage of the~~
45 ~~personal property by sending a notice by certified mail, return receipt~~

1 ~~requested, addressed to the tenant's last known address and to any of the~~
2 ~~tenant's alternative addresses known to the landlord. To reclaim the~~
3 ~~personal property, the tenant shall pay the landlord only for the cost of~~
4 ~~removal and storage for the time the property is held by the landlord.~~
5 ~~Within five days after a written offer by the tenant to pay these charges~~
6 ~~the landlord must surrender possession of the personal property in the~~
7 ~~landlord's possession to the tenant upon the tenant's tender of payment.~~
8 ~~If the landlord fails to surrender possession of the personal property to~~
9 ~~the tenant, the tenant may recover the possessions or an amount equal to~~
10 ~~the damages determined by the court if the landlord has destroyed or~~
11 ~~disposed of the possessions before the twenty-one days specified in this~~
12 ~~section or after the tenant's offer to pay. The tenant shall pay all~~
13 ~~removal and storage costs accrued through the fifth day after the tenant's~~
14 ~~offer to pay is received by the landlord or the date of delivery or~~
15 ~~surrender of the property, whichever is sooner. Payment by the tenant~~
16 ~~relieves the landlord of any further responsibility for the tenant's~~
17 ~~possessions.~~

18 ~~F. A tenant does not have any right of access to that property~~
19 ~~until all payments specified in subsection E of this section have been~~
20 ~~made in full, except that the tenant may obtain clothing and the tools,~~
21 ~~apparatus and books of a trade or profession and identification or~~
22 ~~financial documents including all those related to the tenant's~~
23 ~~immigration status, employment status, public assistance or medical care.~~
24 ~~If the landlord holds the property for the twenty-one day period and the~~
25 ~~tenant does not make a reasonable effort to recover it, the landlord, upon~~
26 ~~the expiration of twenty-one days as provided in this subsection, may~~
27 ~~administer the personal property as provided in section 33-1370,~~
28 ~~subsection E. The landlord shall hold personal property after a writ of~~
29 ~~restitution or writ of execution is executed for not more than twenty-one~~
30 ~~days after such an execution. Nothing in this subsection shall preclude~~
31 ~~the landlord and tenant from making an agreement providing that the~~
32 ~~landlord will hold the personal property for a period longer than~~
33 ~~twenty-one days.~~

34 E. ON THE DAY FOLLOWING THE DAY THAT A WRIT OF RESTITUTION OR
35 EXECUTION IS EXECUTED PURSUANT TO SECTION 12-1181, THE LANDLORD SHALL
36 COMPLY WITH SECTION 33-1370, SUBSECTIONS D, E, F, G, H AND I REGARDING THE
37 TENANT'S PERSONAL PROPERTY.

38 ~~F.~~ F. For the purposes of this chapter, the tenant shall be held
39 responsible for the actions of the tenant's guests that violate the lease
40 agreement or rules or regulations of the landlord if the tenant could
41 reasonably be expected to be aware that such actions might occur and did
42 not attempt to prevent those actions to the best of the tenant's ability.

43 ~~H.~~ G. For THE purposes of this section, "days" means calendar
44 days.

1 PROPERTY IN THE DWELLING UNIT THAT IS CONTAMINATED OR MAY BE CONSIDERED A
2 BIOHAZARD OR POSES A HEALTH AND SAFETY RISK. AT THE LANDLORD'S
3 DISCRETION, THE TENANT'S ABANDONED ANIMALS MAY BE IMMEDIATELY REMOVED AND
4 RELEASED TO A SHELTER OR BOARDING FACILITY. THE LANDLORD SHALL KEEP A
5 RECORD OF THE NAME AND LOCATION OF THE SHELTER OR BOARDING FACILITY TO
6 WHICH THE ANIMAL WAS RELEASED. IF THE LANDLORD DOES NOT IMMEDIATELY
7 REMOVE AND RELEASE THE ABANDONED ANIMALS TO A SHELTER OR BOARDING
8 FACILITY, THE LANDLORD SHALL PROVIDE REASONABLE CARE FOR THE ABANDONED
9 ANIMALS FOR THE PERIOD PRESCRIBED BY SUBSECTION F OF THIS SECTION. IF THE
10 LANDLORD IS UNABLE OR UNWILLING TO PROVIDE REASONABLE CARE TO THE
11 ABANDONED ANIMALS, THE LANDLORD SHALL NOTIFY THE COUNTY ENFORCEMENT AGENT
12 AS DEFINED IN SECTION 11-1001 OR AN ANIMAL CONTROL OFFICER AS PRESCRIBED
13 IN SECTION 9-499.04 OF THE PRESENCE OF THE TENANT'S ABANDONED ANIMALS ON
14 THE PROPERTY TO BE SEIZED PURSUANT TO SECTION 13-4281. THE LANDLORD IS NOT
15 LIABLE FOR ANY ACTIONS TAKEN IN GOOD FAITH RELATED TO THE REMOVAL,
16 RELEASE, SEIZURE OR CARE OF THE ABANDONED ANIMALS PURSUANT TO THIS
17 SECTION.

18 ~~F.~~ F. The landlord shall hold the tenant's personal property for a
19 period of ~~ten~~ FOURTEEN CALENDAR days after the ~~landlord's declaration of~~
20 ~~abandonment~~ LANDLORD RETAKES POSSESSION OF THE DWELLING UNIT. The
21 landlord shall use reasonable care in MOVING AND holding the tenant's
22 personal property. If the landlord holds the property for this period and
23 the tenant makes no reasonable effort to recover it, the landlord may
24 DONATE THE PERSONAL PROPERTY TO A QUALIFYING CHARITABLE ORGANIZATION AS
25 DEFINED IN SECTION 43-1088 OR OTHERWISE RECOGNIZED CHARITY OR sell the
26 property. ~~IF THE LANDLORDS SELLS THE PROPERTY, THE LANDLORD SHALL~~
27 retain the proceeds and apply them toward the tenant's outstanding rent or
28 other costs ~~which THAT~~ are covered in the lease agreement or otherwise
29 provided for in ~~title 33, chapter 10~~ THIS CHAPTER or title 12, chapter 8
30 and ~~THAT~~ have been incurred by the landlord, ~~due to the tenant's~~
31 ~~abandonment.~~ ~~Any~~ AND excess proceeds shall be mailed to the tenant at the
32 tenant's last known address. A tenant does not have any right of access
33 to that property until the actual removal and storage costs have been paid
34 in full, except that the tenant may obtain clothing and the tools,
35 apparatus and books of a trade or profession and any identification or
36 financial documents, including all those related to the tenant's
37 immigration status, employment status, public assistance or medical care.
38 ~~if provided by a written rental agreement,~~ The landlord may destroy or
39 otherwise dispose of some or all of the property if the landlord
40 reasonably determines that the value of the property is so low that the
41 cost of moving, storage and conducting a public sale exceeds the amount
42 that would be realized from the sale. ANY TAX BENEFIT ASSOCIATED WITH THE
43 DONATION OF THE PERSONAL PROPERTY BELONGS TO THE TENANT. A LANDLORD THAT
44 COMPLIES WITH THIS SECTION IS NOT LIABLE FOR ANY LOSS TO THE TENANT OR ANY

1 THIRD PARTY THAT RESULTS FROM MOVING, STORING OR DONATING ANY PERSONAL
2 PROPERTY LEFT IN THE DWELLING UNIT.

3 ~~F.~~ G. For a period of twelve months after the sale, the landlord
4 shall:

5 1. Keep adequate records of the outstanding and unpaid rent and the
6 sale of the tenant's personal property.

7 2. Hold FOR THE BENEFIT OF THE TENANT any excess proceeds ~~which~~
8 THAT have been returned as undeliverable ~~for the benefit of the tenant.~~

9 ~~G.~~ H. If the tenant notifies the landlord in writing on or before
10 the date the landlord sells or otherwise disposes of the personal property
11 that the tenant intends to remove the personal property from the dwelling
12 unit or the place of safekeeping, the tenant has five days to reclaim the
13 personal property. To reclaim the personal property the tenant must only
14 pay ~~the landlord~~ for the ~~cost of~~ COSTS ASSOCIATED WITH removal and storage
15 for the period the tenant's personal property ~~remained in the landlord's~~
16 ~~safekeeping~~ WAS STORED. EXCEPT AS PROVIDED IN SUBSECTIONS E OR I OF THIS
17 SECTION FOR PERSONAL PROPERTY EXEMPT FROM STORAGE REQUIREMENTS, WITHIN
18 FIVE DAYS AFTER A WRITTEN OFFER BY THE TENANT TO PAY THE APPLICABLE
19 STORAGE OR REMOVAL COSTS THE LANDLORD MUST SURRENDER POSSESSION OF THE
20 PERSONAL PROPERTY IN THE LANDLORD'S POSSESSION TO THE TENANT UPON THE
21 TENANT'S TENDER OF PAYMENT. IF THE LANDLORD FAILS TO SURRENDER POSSESSION
22 OF THE PERSONAL PROPERTY TO THE TENANT, THE TENANT MAY RECOVER THE
23 POSSESSIONS OR AN AMOUNT EQUAL TO THE DAMAGES DETERMINED BY THE COURT IF
24 THE LANDLORD HAS DESTROYED OR DISPOSED OF THE POSSESSIONS BEFORE THE
25 FOURTEEN DAYS SPECIFIED IN THIS SECTION OR AFTER THE TENANT'S OFFER TO
26 PAY.

27 I. NOTWITHSTANDING SUBSECTIONS D, E, F AND G OF THIS SECTION, IF
28 THE TENANT RETURNS TO THE LANDLORD THE KEYS TO THE DWELLING UNIT AND THERE
29 IS PERSONAL PROPERTY REMAINING IN THE DWELLING UNIT, THE LANDLORD MAY
30 IMMEDIATELY REMOVE AND DISPOSE OF THE PERSONAL PROPERTY WITHOUT LIABILITY
31 TO THE TENANT OR A THIRD PARTY UNLESS THE LANDLORD AND TENANT HAVE AGREED
32 IN WRITING TO SOME OTHER TREATMENT OF THE PROPERTY.

33 ~~H.~~ J. ~~iii~~ FOR THE PURPOSES OF this section "abandonment" means
34 either the absence of the tenant from the dwelling unit, without notice to
35 the landlord for at least seven days, if rent for the dwelling unit is
36 outstanding and unpaid for ten days and there is no reasonable evidence
37 other than the presence of the tenant's personal property that the tenant
38 is occupying the residence or the absence of the tenant for at least five
39 days, if the rent for the dwelling unit is outstanding and unpaid for five
40 days and none of the tenant's personal property is in the dwelling unit.

APPROVED BY THE GOVERNOR APRIL 3, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2018.

Arizona Commission on Access to Justice

Meeting Date: May 23, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Update on Rule Petitions
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From: Julie Graber, AOC staff

Presenters: (Same)

Discussion: The presenter will update the commission on the following rule petitions:

- R-18-0020 – Subsidized housing pleading requirements and disclosure requirements
- R-17-0020 – To adopt rules of small claims procedure in justice courts.
- R-18-0004 – To allow non-lawyers to represent certain types of small business entities in court

Recommended motion: None.

Lawrence F. Winthrop
Arizona Commission on Access to Justice
1501 W. Washington St., Suite 410
Phoenix, AZ 85007

IN THE SUPREME COURT

STATE OF ARIZONA

In the Matter of:

SUPREME COURT NO. R-18-0020

PETITION TO AMEND RULES 5(a) AND (b),
AND RULE 13(a) OF THE ARIZONA RULES
OF PROCEDURE FOR EVICTION ACTIONS

COMMENT BY ARIZONA
COMMISSION ON ACCESS TO JUSTICE

Introduction

The Arizona Commission on Access to Justice (ACAJ) was established by Administrative Order 2014-83, pursuant to the Court’s 5-year strategic agenda of “Advancing Justice Together: Courts and Communities.” The order specifically directs the ACAJ, among other things, to make recommendations that provide meaningful access to the court system, particularly for those individuals representing themselves in eviction matters.

The Need for Rule Changes

The proposed Rule changes provide (1) that the landlord is required in the complaint to advise the court that the subject housing unit is a subsidized unit, and if so, to specifically allege what portion of the unpaid rent is the responsibility of the tenant (proposed Rule 5(b)(8)); and (2) that the court determine whether the rental is subsidized, and if so, determine whether there is unpaid rent that the tenant is obligated to pay as his/her portion of the rent. (proposed Rule 13(a)(5)).

Whether a tenant being sued for forcible detainer is living in subsidized housing is an important factor for the court's consideration in determining whether and to what extent, if at all, a tenant is in default as to his or her portion of the total rent allegedly owed for the premises. The proposed Rule change is critical because, under the existing Rule, the judges are not in some instances being advised whether the property is subsidized. Without requiring that information, the court may inadvertently and illegally evict a tenant who is not in default.

The ramifications of a tenant being evicted from subsidized housing are significant, and likely permanent in nature, particularly as it relates to that tenant's ability to obtain alternative housing and continue to participate in a subsidized

housing program, all as detailed in the original petition (see p. 7, lines 6-18). This information is clearly within the knowledge and control of the landlord, and does not require any additional information or impose any additional legal expense on the landlord to be included in the complaint for possession and damages.

This issue, and the subject Rule petition, has been discussed at length in the Commission's work group dedicated to limited jurisdiction court issues. Members of that work group include justices of the peace (who primarily deal with residential landlord-tenant and eviction issues), court administrators, attorneys representing landlords, and legal services attorneys who periodically are involved in representing tenants who qualify for civil legal aid in Arizona. All members generally agree that whether the subject premises are part of a subsidized housing program is an important and relevant piece of information, and that the FED complaint should indicate whether the subject property is subsidized housing.

There were some divergent views on the exact language to be utilized in the proposed subsections. The Commission voted to advise the Court of its overall support for the proposed rule change, and to advise the Court in this comment of alternative suggestions offered with respect to these two proposed new subsections.

Proposed Rule 5 (b)(8)

The proposed language for Rule 5 (b)(8) requires the complaint to “State whether or not the rental is a subsidized housing unit ...” The judicial members of our workgroup propose that the pleading shouldn’t have to say what it is not; it just needs to state if it is a subsidized rental, and they respectfully suggest such designation be identified in bolded font.

In light of the importance of the issue, however, other members of the workgroup urge that the complaint contain the basic question: “Is the property subsidized? ___ Yes ___No.” The landlord would then check the appropriate space and the information would be provided to the judge. Utilizing this approach eliminates uncertainty, and provides the judge with the critical information that is needed.

Rule 13 (a)(5)

The judicial members of the work group also noted that proposed Rule 13 (a)(5) change indicates that the judge must “determine whether the rental is subsidized.” They are unclear whether the intent of the proposed new language is that the judge must make a specific finding in each individual case that either “This case does involve

a subsidized rental,” or that “This case does not involve subsidized housing.” Some judges are concerned that specifically making and documenting such a finding would be burdensome and inefficient, particularly in light of already-lengthy dockets. Those judges propose that the operative language should just be the following proposed sentence: “If the court determines the rent is subsidized ...”

Other workgroup members note that current Rule 13(a) sets out important items the judge is to review that are vital in determining whether a landlord should be awarded possession or not. For example, the current Rule requires the court determine if service was proper, whether proper notice was provided, whether a right to cure, where applicable, was provided, and if the facts alleged support the landlord’s right to possession. As the Rule currently exists, the inquiry as to whether the subject property is subsidized – a fact that may be just as critical in determining whether the landlord is entitled to possession -- is not listed. These members believe there is an important safeguard in requiring the court to specifically make the determination as to whether the subject property is subsidized or not.

Conclusion

The Commission strongly believes that adopting changes to address the issue of subsidized housing will ensure due process and serve as an important safeguard to

prevent eviction where a tenant in a subsidized housing unit is current in his or her portion of the rent. Accordingly, the Commission urges the Arizona Supreme Court to adopt appropriate changes to Rules 5(a) and 13(b) to the Rules of Procedure for Eviction Actions.

RESPECTFULLY SUBMITTED this 4th day of May, 2018.

Lawrence F. Winthrop
Chair, Arizona Commission on Access
to Justice

Arizona Commission on Access to Justice

Meeting Date: May 23, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Update on the Public Information and Messaging Workgroup
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From: Rick DeBruhl, State Bar of Arizona, and Heather Murphy, AOC Director of Communications

Presenters: (Same)

Discussion: The workgroup met on April 4, 2018. The presenters will discuss the workgroup's strategic planning focus.

- The workgroup is working on building a repository of podcasts facilitated by a Supreme Court Justice. Until now, topics have included adoptions, protective orders, and veterans court. The podcasts will reside on AZCourtHelp.org and azcourts.gov. A podcast will be played for members.
- AOC staff is in the process of redesigning the Self-Service Center in English and in Spanish on azcourts.gov, which will be presented to the commission.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: May 23, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Update on the AZCourtHelp.org website
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From: Dr. Kevin Ruegg, Arizona Bar Foundation, and Theresa Barrett, manager of AOC's Court Programs Unit

Presenters: (Same)

Discussion: Dr. Ruegg will inform the members about the Google Analytics and demonstrate the website's new features. Ms. Barrett will update regarding marketing efforts.

Recommended motion: Informational only.



AZCourtHelp.org

Google Analytic Results

<i>Month</i>	<i>Sessions</i>	<i>Users</i>	<i>Page views</i>
January 2017 – March 31, 2018	92,053	74,480	284,156
<i>January 2018</i>	11,773	10,107	32,017
<i>February 2018</i>	11,437	9,879	29,510
<i>March 2018</i>	15,558	13,237	39,259

Devices Used

<i>Month</i>	<i>Desktop</i>	<i>Cell Phone</i>	<i>Tablet</i>
<i>Jan 2017-March 2018</i>	35,924 (48.33%)	34,276 (46.11%)	4,129 (5.56%)

Acquisition of Users

<i>Month</i>	<i>Organic Search</i>	<i>Referral</i>	<i>Direct</i>	<i>Google Ad</i>	<i>Social Media</i>
<i>Jan 2017- Mar 2018</i>	37,357	21,274	13,458	1,941	1,896

Note: Google Ad and Social Media push is only from ~last 3 months

Top 10 Arizona Cities

<i>Jan 2017 – March 2018</i>
Phoenix – 19,122
Tucson – 64,785
Mesa – 2,287
Scottsdale – 1,560
Tempe – 1,502
Chandler – 1,164
Gilbert – 1,162
Glendale – 1,110
Flagstaff - 778
Peoria - 655

Top 10 Pages - After Home Page

<i>January '17 – March '18</i>
Maricopa County Court Records
Self-Help Resources
Court Case Finder
Pima County Court Records
FAQ- Criminal Charges or Complaints
Browse by Topic
Find My Court
Live Chat
FAQ and More
Courthouse Calendars

Top 10 Referrals

<i>(205 referring sites)</i>
AZLawHelp.org – 8,678
AZCourts.gov – 5,650
courts.yavapai.us – 1,099
Superiorcourt.maricopa.gov- 576
chandleraz.gov – 487
sc.pima.gov – 441
co.apache.az.us – 406
Mohavecourts.com - 396
coconino.az.gov – 378
navajocountyaz.gov – 362

Arizona Commission on Access to Justice

Meeting Date: May 23, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Judicial and Attorney Engagement Workgroup
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From: Dr. Kevin Ruegg, Arizona Bar Foundation, and Kevin Groman, In-House Counsel Pro Bono Commission

Presenters: (Same)

Discussion: The workgroup met on May 1, 2018.

Dr. Ruegg will discuss the workgroup's strategic planning focus, including engaging public lawyers, engaging law firms, and judicial engagement. She will present the letter signed by Chief Justice Scott Bales that was distributed to top Arizona law firms with survey questions regarding their *pro bono* practice, and she will review the survey responses.

Mr. Groman will update members on the In-House Counsel *Pro Bono* Commission and status of outreach to private law firms regarding the creation of a *pro bono* network.

Recommended motion: None.

Arizona Commission on Access to Justice

Meeting Date: May 23, 2018	Type of Action Requested: <input type="checkbox"/> Formal action or request <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Other	Subject: Report from the Inter-Governmental Collaboration Workgroup
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From: Judge Lawrence F. Winthrop, chair

Presenters: (Same)

Discussion: Judge Winthrop will discuss the workgroup's strategic planning focus and review the presentation that was made to the Governor's Office's Re-Entry Workgroup regarding the impact of civil legal aid for vulnerable populations.

Recommended motion: None.

Presentation to Governor's Re-Entry Workgroup

March 29, 2018

Introduction

We are here today on behalf of the Arizona Commission on Access to Justice, a state-wide group, appointed by the Chief Justice, focusing on improving meaningful access to our court system and civil justice in Arizona. In that regard, we have launched an inter-governmental initiative with the Executive Branch entitled "Justice in Government." Arizona is one of a select number of states chosen to participate in this type of project. Some of the reasons Arizona was chosen for this project include its 20-year history of the **Arizona Domestic Violence Legal Assistance Project**, a very successful collaboration between the judiciary, the Bar Foundation and legal aid agencies and the Department of Economic Security, and the most recent successful partnership between the Foundation and the civil legal aid agencies in Arizona and the Arizona Attorney General's office concerning assisting **victims of foreclosure** in Arizona. In each of these projects, we have worked closely with the Executive Branch and the applicable state agencies, and have leveraged specific, existing federal funding to provide legal aid for vulnerable populations in Arizona.

Thank you for this opportunity to share some thoughts and to offer our assistance concerning your work on Re-Entry issues.

Re-entry as a Focus

Governor Ducey has already demonstrated his commitment to assisting our citizens trying to find employment and facing the barrier that any form of prior criminal record creates, no matter how minor or attenuated, and his commitment to assisting those Arizonans leaving prison and trying to effectively transition back into society. A criminal history is a significant barrier to not only finding employment, but also in having access to safe housing. Achieving meaningful employment is also critical to reducing recidivism and enhancing public safety.

We strongly believe that the availability of civil legal aid services is critical to the success of not only the Second Chance Centers planned for Arizona's prisons, but also the ability of any Arizonan with any type of criminal history to successfully find employment, to be self-sufficient and to support their family, and to be a productive taxpayer in this State. These efforts can also assist statewide economic growth by reducing worker shortages in key industries.

[Similarly, civil legal aid could be among the most effective services offered at Arizona's 47 Arizona@Work offices.]

Effective allocation of limited resources is always a challenge. As you consider those recommendations, we want to emphasize that, while the state may invest a lot of funds and resources into helping people transition, please do not overlook the impact of legal assistance. As we will detail in a moment, for many, this service will be *the most* transformational, no matter *what* other services they get.

[REFER TO THE HANDOUT AND THE STUDIES THAT SHOW THE EFFECTIVENESS OF LEGAL AID]

In the Governor's recent "Second Chance" Executive Order, he referenced the fact that an estimated 1.5 million Arizona adults have arrests or convictions on their records. These may often reflect old and often minor, victimless offenses. Nevertheless, this history stands as a significant barrier to even being considered, let alone hired, for pending job vacancies. We know that if large numbers of Arizonans can't get a job, they can't meet their financial needs, and this frustrates the Governor's twin policy goals of growing the economy and helping people with records secure employment.

Employment barriers not only exacerbate recidivism and the need for increased public safety costs, they also increase the government's cost of providing families with emergency food, shelter and medical care.

Governor Ducey identified worker shortages in several industries, including construction and trucking, but these and other prospective employers are missing out on a huge pool of potentially well-qualified employees, which frustrates filling these unmet hiring needs. And, ironically, some studies have shown that, by comparison, people with criminal records can be *more* productive employees.

As importantly, successful employment is one of the most significant indicators of success in decreasing recidivism, helping families become self-sufficient and increasing public safety. Supporting that effort, and giving job applicants the potential to seek to set aside a past conviction advances, rather than frustrates, these legitimate government policies. In short, strengthening "second chance" opportunities for these individuals not only fulfills the presumptive rehabilitation promise of our justice system, but also helps employers fill worker shortages and expand growth in our economy.

How Can Legal Aid Assist?

While Arizona does not have expungement, it does allow for setting aside past convictions for qualified individuals. Even where that opportunity is not immediately available, there are any number of ways that lawyers can help mitigate the impact of a criminal record and remove employment barriers. These can include removing errors or duplications in a rap sheet; helping a client reinstate a suspended or revoked driver's license; removing barriers to applying for an occupational license; helping modify child support orders consistent with the client's ability to pay, and thus eliminating a prospective employer's need to implement wage garnishment; and negotiating the payment of outstanding court fees and fines, and other financial obligations.

For the last two years, Community Legal Services and its volunteer lawyers have been offering community-based clinics to Arizona residents to educate them about set-asides and dealing with barriers to employment and housing created by a prior criminal record. These types of services could easily be incorporated into those services offered at the Second Chance Centers and through the Arizona@Work offices.

However, with the current funding in place for the civil legal aid agencies, these organizations can't immediately staff or absorb referrals from the Second Chance Centers or the Arizona@Work offices. As you undoubtedly know, legal aid programs have to prioritize their limited resources for legal emergencies such as evictions, foreclosures and domestic violence. Additional funding is clearly needed to successfully implement this type of legal assistance.

Our interest concerning this issue is the same as yours: We want these Centers to be effective, and efficient, and to produce the best outcomes possible.

Our time here is limited, but we'd be pleased to work with you on a going-forward basis to identify existing federal funding that can be utilized to place legal aid lawyers in the Second Chance Centers to ensure that those Centers are as efficient and as effective as possible, and to deliver the best results possible for all those individuals the Governor, and all of us, hope have the benefit of a second chance at a job. **[funding sources: Dept. of Labor Workforce Innovation and Opportunity Act; Medicaid funds for supportive services (with a waiver); Community Development Block Grants, Social Services Block Grants]** At a minimum, with the appropriate level of funding, we can envision a legal aid lawyer and a paralegal being available at each of the Second Chance Centers.

There are also some additional policy tools that you might be interested in learning about; these are available from the Clean Slate Clearinghouse, which is a new Department of Justice and Department of Labor funded tool, created by the Council for State Governments.

I'd like to turn this over to Chris Groninger of the Bar Foundation, who can walk us through the handout and can highlight some specific stories of how legal aid here in Arizona has helped people with criminal records.



CIVIL LEGAL AID IN ARIZONA HELPS WITH SUCCESSFUL RE-ENTRY & RECIDIVISM REDUCTION

LEGAL AID HELPS...



Remove barriers to employment and housing by setting aside or sealing criminal records, and by resolving or clearing credit issues



Increase ability to obtain and keep employment by reinstating a revoked or suspended driver's license



Increase ability to obtain and keep higher paying positions by reinstating professional licensing, certification, or employment requirements such as fingerprint clearance



Untangle outstanding court debt and child support issues



Secure fixes like reducing a felony to a misdemeanor and correcting errors in court or arrest records

STUDIES SHOW LEGAL AID MAKES A DIFFERENCE...

To address whether record clearing improves employment outcomes for people with criminal records, law professor Jeffrey Selbin and economist Justice McCrary conducted a study of a random sample of several hundred clients who received legal aid from the Clean Slate Clinic at East Bay Community Law Center. They found that after legal interventions to clear a criminal record, average employment rates grew and average real earnings increased slightly during the first year of the intervention and rose rapidly thereafter.

Preliminary findings from a University of Michigan study go further, showing that fewer than 4% of those with records cleared were rearrested within 5 years of having their records cleared.

Selbin, Jeffrey and McCrary, Justin and Epstein, Joshua, Unmarked? Criminal Record Clearing and Employment Outcomes (February 6, 2017). Journal of Criminal Law and Criminology, Vol. 108, No. 1, 2017. Available at SSRN: <https://ssrn.com/abstract=2486867> or <http://dx.doi.org/10.2139/ssrn.2486867>

LEGAL AID IN ARIZONA HELPED...

Kimberly:

An Arizona legal aid organization recently helped Kimberly who, upon resigning from a long-term job for a better, higher-paying position, was shocked to learn that her Class 6, undesignated felony had not been re-designated as a misdemeanor as she believed. After telling Kimberly about the felony on her record, the employer promptly withdrew the job offer. Making matters worse, Kimberly's old position was already filled—leaving her jobless. Legal aid attorneys stepped in and discovered that the Order discharging probation was not completed in a timely manner due to "administrative oversight" and that her record failed to confirm she had completed the required community service hours. Legal aid attorneys helped Kimberly document her community service hours and prove she successfully completed probation over a decade earlier. The court was persuaded and Kimberly's felony was properly re-designated a misdemeanor. Kimberly has since accepted another higher paying position with a new company where she recently celebrated her one year anniversary on the new job.

Anthony:

An Arizona legal aid organization recently represented a homeless veteran named Anthony. An elderly man, Anthony lost his wife (and caregiver) to cancer five years ago. Since her death, Anthony has struggled to maintain safe and regular housing. After a 30 year old prior conviction prevented him from securing HUD senior housing, which best accommodated his needs, or any other public housing available, Anthony reached out to legal aid. Anthony's legal aid attorney contacted the HUD senior housing authority who reversed the denial decision after receiving additional information. Thanks to the legal aid attorney's help and referrals, Anthony has maintained housing for the last two years and is volunteering regularly with a local veterans assistance organization.